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OF

THE ACTS

OF

THE INDIAN LEGISLATURE

FOR THE YEAR

1933

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TITLES OF ACTS
PASSED BY
THE INDIAN LEGISLATURE
IN THE YEAR 1933.

- I. An Act further to amend the Indian Marine Act, 1887, for a certain purpose.
- II. ,,, to prohibit the pledging of the labour of children.
- III. ,,, further to amend the Indian Forest Act, 1927, for a certain purpose.
- IV. ,,, to amend the Cotton Textile Industry (Protection) Act, 1930.
- V. ,,, to extend the operation of the Wheat (Import Duty) Act, 1931.
- VI. ,,, further to extend the operation of the Salt (Additional Import Duty) Act, 1931.
- VII. ,,, to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax, and further to amend the Indian Paper Currency Act, 1923.
- VIII. ,,, to supplement the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932.
- IX. ,,, to supplement the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for certain purposes.
- X. ,,, further to amend the Auxiliary Force Act, 1920, for certain purposes.
- XI. ,,, further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.
- XII. ,,, further to amend the Indian Income-tax Act, 1922, for a certain purpose.
- XIII. ,,, to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India.

XIV. An Act further to amend the Indian Tariff Act, 1894, for a certain purpose.

XV. ,,, further to amend the Workmen's Compensation Act, 1923.

XVI. ,,, further to amend the Land Acquisition Act, 1894, for certain purposes.

XVII. ,,, to regulate the possession of wireless telegraphy apparatus.

XVIII. ,,, further to amend the Indian Income-tax Act, 1922, for certain purposes.

XIX. ,,, further to amend the Indian Railways Act, 1890, for a certain purpose.

XX. ,,, further to amend the Cotton Textile Industry (Protection) Act, 1930.

XXI. ,,, further to amend the Indian Arbitration Act, 1899, for a certain purpose.

XXII. ,,, further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose.

XXIII. ,,, to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager.

XXIV. ,,, to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India.

XXV. ,,, further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

XXVI. ,,, to amend the Dangerous Drugs Act, 1930, for certain purposes.

XXVII. ,,, to constitute a Medical Council in India.

XXVIII. ,,, further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes.

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Act XIV of 1887 (INDIAN MARINE)—			
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Act IX of 1890 (RAILWAYS)—			
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Act I of 1894 (LAND ACQUISITION)—			
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Act VIII of 1894 (TARIFF)—			
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¹ With effect from 1st July 1934.

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ACT No. I OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th February, 1933.)

An Act further to amend the Indian Marine Act, 1887, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Marine Act, 1887, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Marine (Amendment) Short title. Act, 1933.

2. In sub-section (1) of section 2 of the Indian Marine Act, Amendment of section 2, Act XIV of 1887. 1887,—

(a) in clause (a), after the word "means", the brackets and figure "(i)" shall be inserted, and, after the words "provided by this Act;"; the following word and sub-clause shall be added, namely:—

"and

(ii) a member of the Royal Indian Marine Volunteer Reserve during and in respect of the time when he is serving in the Indian Marine Service, whether for training or exercise or having been called up for any duty or service for which as a member of such Reserve he is liable;"; and

(b) to clause (b) the following words shall be added, namely:—

"and includes a person holding any such position in the Royal Indian Marine Volunteer Reserve during and in respect of the time when he is serving in the Indian Marine Service;".

ACT NO. II OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th February, 1933.)

An Act to prohibit the pledging of the labour of children.

WHEREAS it is expedient to prohibit the making of agreements to pledge the labour of children, and the employment of children whose labour has been pledged; It is hereby enacted as follows:—

1. (1) This Act may be called the Children (Pledging of Labour) Act, 1933.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) This section and sections 2 and 3 shall come into force at once, and the remaining sections of this Act shall come into force on the first day of July, 1933.

2. In this Act, unless there is anything repugnant in the Definitions. subject or context,—

“an agreement to pledge the labour of a child” means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilised in any employment:

Provided that an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition;

“child” means a person who is under the age of fifteen years; and

“guardian” includes any person having legal custody of or control over a child.

3. An

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1933.

[Price 1 anna or 1½d.]

Agreements
contrary to the
Act to be void.

3. An agreement to pledge the labour of a child shall be void.

Penalty for
parent or
guardian
making
agreement to
pledge the
labour of a
child.

4. Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child, shall be punished with fine which may extend to fifty rupees.

Penalty for
making with
a parent or
guardian an
agreement to
pledge the
labour of a
child.

5. Whoever makes with the parent or guardian of a child an agreement whereby such parent or guardian pledges the labour of the child shall be punished with fine which may extend to two hundred rupees.

Penalty for
employing
a child whose
labour has
been pledged.

6. Whoever, knowing or having reason to believe that an agreement has been made to pledge the labour of a child, in furtherance of such agreement employs such child, or permits such child to be employed in any premises or place under his control, shall be punished with fine which may extend to two hundred rupees.

ACT No. III OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th February, 1933.)

An Act further to amend the Indian Forest Act, 1927, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Forest Act, 1927, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Forest (Amendment) short title. Act, 1933.
2. After clause (4) of section 2 of the Indian Forest Act, 1927, the following clause shall be inserted, namely:—
Amendment of section 2, Act XVI of 1927.
“(4A) ‘owner’ includes a Court of Wards in respect of property under the superintendence or charge of such Court;”.

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PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.
1933.

[Price 1 anna or 1½d.]

ACT No. IV OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 28th March, 1933.)

An Act to amend the Cotton Textile Industry (Protection) Act, 1930.

WHEREAS it is expedient to continue for a further period the protection already given to the cotton textile industry in British India, and for that purpose to extend the operation of the duties imposed by the Cotton Textile Industry (Protection) Act, 1930; It is hereby enacted as follows:—

xvii of 1930. 1. This Act may be called the Cotton Textile Industry Short title.
Protection (Amendment) Act, 1933.

xvii of 1930. 2. In sub-section (2) of section 2, and in sub-section (2) Amendment of sections of section 3 of the Cotton Textile Industry (Protection) Act, 2 and 3, 1930, for the word "March" the word "October" shall be substituted. Act XVII of 1930.

Price 1 anna or 1½d.]

MGIPO—L—IX.7—29.4.33—4,500.

ACT No. V OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 28th March, 1933.)

An Act to extend the operation of the Wheat (Import Duty) Act, 1931.

XV of 1931. WHEREAS it is expedient to extend the operation of the Wheat (Import Duty) Act, 1931; It is hereby enacted as follows:—

1. This Act may be called the Wheat Import Duty (Ex-
tending) Act, 1933. short title.

2. In sub-section (3) of section 1 of the Wheat (Import Duty) Act, 1931, for the figures “ 1933 ” the figures “ 1934 ” Amendment
of section 1,
Act XV of
1931. shall be substituted.

Price 1 anna or 1½d.]

MGIPO—L—IX—8—29-4-33—4,000.

ACT No. VI OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 30th March, 1933.)

An Act further to extend the operation of the Salt (Additional Import Duty) Act, 1931.

WHEREAS it is expedient further to extend the operation of the Salt (Additional Import Duty) Act, 1931; It is hereby enacted as follows:—

1. This Act may be called the Salt Additional Import Duty short title. (Extending) Act, 1933.
2. In sub-section (3) of section 1 of the Salt (Additional Import Duty) Act, 1931 (hereinafter referred to as the said Amendment of section 1, Act XIV of 1931. Act), for the figures "1933" the figures "1934" shall be substituted.
3. In sub-section (1) of section 3 of the said Act, for the word "four" the word "two" shall be substituted. Amendment of section 3, Act XIV of 1931.
4. In sub-section (4) of section 5 of the said Act, for the words "sixty-three rupees eleven annas", in both places Amendment of section 5, Act XIV of 1931. where the words occur, the words "fifty-four rupees twelve annas" shall be substituted.

Price 1 anna or 1½d.]

MGIPC—L—IX.9—29.4.33—4,000

ACT No. VII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st March, 1933.)

An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax, and further to amend the Indian Paper Currency Act, 1923.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax, and further to amend the Indian Paper Currency Act, 1923; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Finance Act, Short title and extent. 1933.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

2. The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than Burma or Aden, be construed as if, for the year beginning on the 1st day of April, 1933, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section. Fixation of salt duty.

3. (1) In

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Price 1 anna or 1½d.]

Amendment of
Schedule II
to Act VIII
of 1894.

^{1894, —} 18. (1) In the Second Schedule to the Indian Tariff Act, ^{VIII of 1894.}

(a) after Item No. 41B the following item shall be inserted, namely:—

“ 41C	UPPERS for boots and shoes unless entirely made of leather.	<i>Ad valorem</i> . . .	20 per cent. or two annas per pair, which- ever is higher.”;
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(b) after Item No. 44 the following item shall be inserted, namely:—

“ 45	ARTIFICIAL SILK PIECE- GOODS other than fents of not more than nine yards in length.	<i>Ad valorem</i> . . .	50 per cent. or four annas per square yard, whichever is higher.”;
------	--	-------------------------	---

(c) in Item No. 45A,—

(i) for the entries in the fourth column against sub-items (a) and (b), the following shall be substituted, namely:—

“ 35 per cent. or two annas and three pies per square yard, whichever is higher.”,

(ii) for the entry in the fourth column against sub-item (c), the following shall be substituted, namely:—

“ 35 per cent.”, and

(iii) after sub-item (c) the following proviso shall be inserted in the second column, namely:—

“ Provided that the duty on fents of not more than nine yards in length of fabrics specified in sub-items (a) and (b) shall be 35 per cent. *ad valorem*.”; and

(d) for Item No. 133, the following item shall be substituted, namely:—

“ 133 | MANUFACTURES of silk or artificial silk not otherwise specified.”

(2) Notwithstanding anything contained in section 4 of the Indian Finance Act, 1931, or in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duties imposed by those sections shall not be levied on any articles chargeable with duty under Item No. 45 or No. 45A of the Second Schedule to the Indian Tariff Act, 1894, as amended by this section.

^{VIII of 1894.}

4. For

¹ This section came into effect on 1st March, 1933, by virtue of a declaration inserted in the Bill under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

VI of 1898.

4. For the year beginning on the 1st day of April, 1933, ^{Inland postage rates.} the Schedule contained in the First Schedule to this Act shall be inserted in the Indian Post Office Act, 1898, as the First Schedule to that Act.

5. (1) Income-tax for the year beginning on the 1st day of April, 1933, shall be charged at the rates specified in Part I of the Second Schedule, increased in each case, except in the case of total incomes of less than two thousand rupees, by one-fourth of the amount of the rate. ^{Income-tax and super-tax.}

XI of 1922.

(2) The rates of super-tax for the year beginning on the 1st day of April, 1933, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922, be those specified in Part II of the Second Schedule, increased in each case by one-fourth of the amount of the rate.

XI of 1922.

(3) For the purposes of the Second Schedule "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Indian Income-tax Act, 1922.

XI of 1922.

(4) For the purpose of assessing and collecting income-tax on total incomes of less than two thousand rupees the Indian Income-tax Act, 1922, shall be deemed to be subject to the adaptations set out in Part III of the Second Schedule.

X of 1923.

6. In sub-section (7) of section 19 of the Indian Paper Currency Act, 1923, for the figures "1933" the figures ^{Amendment of section 19.} _{Act X of 1923.} "1934" shall be substituted.

SCHEDULE I.

Schedule to be inserted in the Indian Post Office Act, 1898.

[See section 4.]

"THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

[See section 7.]

Letters.

For a weight not exceeding two and One anna and three pies.
a half tolas.

For every two and a half tolas, or One anna and three pies.
fraction thereof, exceeding two and
a half tolas.

Postcards.

Single	Nine pies.
Reply	One and a half annas.

*Schedule I—contd.**Book, Pattern and Sample Packets.*

For every five tolas or fraction thereof Half an anna.

Registered Newspapers.

For a weight not exceeding eight tolas Quarter of an anna.

For a weight exceeding eight tolas and not exceeding twenty tolas. Half an anna.

For every twenty tolas, or fraction thereof, exceeding twenty tolas. Half an anna.

Parcels.

For a weight not exceeding twenty tolas. Two annas.

For a weight exceeding twenty tolas and not exceeding forty tolas. Four annas.

For every forty tolas, or fraction thereof, exceeding forty tolas. Four annas."

SCHEDULE II.

[See section 5.]

PART I.*Rates of Income-tax.*

	Rate.
A. In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	
(1) When the total income is Rs. 1,000 or upwards, but is less than Rs. 1,500.	Two pies in the rupee : (Provided that for the purpose of any assessment to be made for the year ending 31st March, 1934, the rate of income-tax applicable to such part of the total income of an assessee as is derived from salaries or from interest on securities paid in the financial year 1932-33 shall be four pies in the rupee, and for the purposes of refunds under sub-section (1) or sub-section (3) of section 48 in respect of dividends declared in the year ending 31st March, 1933, or of payments made in the said year of interest on securities or salaries, the rate applicable to the total income of the person claiming refund shall be at the rate of four pies.)
(2) When the total income is Rs. 1,500 or upwards, but is less than Rs. 2,000.	Four pies in the rupee.
(3) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000.	Six pies in the rupee.
	(4) When

*Schedule II—contd.***PART I—*contd.*****Rate.**

(4) When the total income is Nine pies in the rupee.
Rs. 5,000 or upwards, but is less than Rs. 10,000.

(5) When the total income is One anna in the rupee.
Rs. 10,000 or upwards, but is less than Rs. 15,000.

(6) When the total income is One anna and four pies in the rupee.
Rs. 15,000 or upwards, but is less than Rs. 20,000.

(7) When the total income is One anna and seven pies in the rupee.
Rs. 20,000 or upwards, but is less than Rs. 30,000.

(8) When the total income is One anna and eleven pies in the rupee.
Rs. 30,000 or upwards, but is less than Rs. 40,000.

(9) When the total income is Two annas and one pie in the rupee.
Rs. 40,000 or upwards, but is less than Rs. 1,00,000.

(10) When the total income is Two annas and two pies in the rupee.
Rs. 1,00,000 or upwards.

B. In the case of every company and registered firm, whatever its total income. Two annas and two pies in the rupee.

PART II.*Rates of Super-tax.***Rate.**

In respect of the excess over thirty thousand rupees of total income—

(1) in the case of every company—
(a) in respect of the first twenty thousand rupees of such excess. *Nil.*
(b) for every rupee of the remainder of such excess. One anna in the rupee.

(2) (a) in the case of every Hindu undivided family—
(i) in respect of the first forty-five thousand rupees of such excess. *Nil.*
(ii) for every rupee of the next twenty-five thousand rupees of such excess. One anna and three pies in the rupee.

(b) in the case of every individual, unregistered firm and other association of individuals not being a registered firm or a company—
(i) for every rupee of the first twenty thousand rupees of such excess. Nine pies in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess. One anna and three pies in the rupee.

(c) in

Schedule II—concl'd.

PART II—contd.

Rate.

(c) in the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	
(i) for every rupee of the next fifty thousand rupees of such excess.	One anna and nine pies in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess.	Two annas and three pies in the rupee.
(iii) for every rupee of the next fifty thousand rupees of such excess.	Two annas and nine pies in the rupee.
(iv) for every rupee of the next fifty thousand rupees of such excess.	Three annas and three pies in the rupee.
(v) for every rupee of the next fifty thousand rupees of such excess.	Three annas and nine pies in the rupee.
(vi) for every rupee of the next fifty thousand rupees of such excess.	Four annas and three pies in the rupee.
(vii) for every rupee of the next fifty thousand rupees of such excess.	Four annas and nine pies in the rupee.
(viii) for every rupee of the next fifty thousand rupees of such excess.	Five annas and three pies in the rupee.
(ix) for every rupee of the next fifty thousand rupees of such excess.	Five annas and nine pies in the rupee.
(x) for every rupee of the remainder of such excess.	Six annas and three pies in the rupee.

PART III.

Adaptations of the Indian Income-tax Act, 1922, to provide for the summary assessments of income-tax on total incomes of less than Rs. 2,000.

1. The Income-tax Officer may, save where he has served a notice under sub-section (2) of section 22 of the Indian Income-tax Act, 1922, make a summary assessment of the income of an assessee to the best of his judgment, and shall serve on the assessee a notice of demand in a form to be prescribed by the Central Board of Revenue; and such notice shall be deemed to be a notice of demand under section 29 of that Act.

2. Any

2. Any assessee in respect of whom such summary assessment has been made may, within thirty days of receipt of the notice of demand, make an application to the Income-tax Officer for the cancellation or revision of the assessment, and the Income-tax Officer shall, after examining any accounts and documents and hearing any evidence which the assessee may produce, and such other evidence as the Income-tax Officer may require, determine, by order in writing, the amount of the tax, if any, payable by the assessee, and such determination shall be final:

Provided that, if any assessee making such application files therewith a return of his income under sub-section (2) of section 22 of the Indian Income-tax Act, 1922, the application shall be deemed to be a return under that sub-section and shall be dealt with accordingly.

3. A copy of an order under paragraph 2 shall be served on the assessee to whom it relates and shall be deemed to be a notice of demand under section 29 of the Indian Income-tax Act, 1922.

4. The above procedure shall apply also to the assessment and collection during the financial year 1933-34 of incomes of Rs. 1,000 and upward and less than Rs. 2,000 which have escaped assessment in the financial year 1932-33.

ACT No. VIII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1933.)

An Act to supplement the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932.

WHEREAS it is expedient to amend the Indian Tariff Act, 1894, in order to supplement the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932; It is hereby enacted as follows:—

1. This Act may be called the Indian Tariff (Ottawa Trade short title. Agreement) Supplementary Amendment Act, 1933.
2. In the Second Schedule to the Indian Tariff Act, 1894, Amendment of the Second Schedule to Act VIII of 1894. there shall be made the amendments specified in the Schedule to this Act.

THE SCHEDULE.

(See section 2.)

Amendments to the Second Schedule to the Indian Tariff Act, 1894.

1. In Item No. 50, after the word "green" the words and brackets "(ferrous sulphate)" shall be added.
2. In Item No. 88, for the words "ferrous sulphate," the words and brackets "alum (namely, potash alum, soda alum and ammonia alum)," shall be substituted.
3. In Item No. 93, after the words "white lead," the words "moist white lead," shall be inserted.
4. In Item No. 98, the words ", copper braziers" shall be omitted.

5. After

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Price 1 anna or 1½d.]

Indian Tariff (Ottawa Trade Agreement) [ACT VIII OF 1933.]
Supplementary Amendment.

SCHEDULE—*contd.*

5. After Item No. 98, the following heading and item shall be inserted, namely :—

“ PAPER, PASTEBOARD AND STATIONERY.

99 | PRINTING PAPER, all sorts not otherwise specified which contain mechanical wood pulp amounting to not less than 70 per cent. of the fibre content; and STRAW BOARD, all sorts.”

6. Item No. 117 shall be omitted.

7. After Item No. 118, the following item shall be inserted, namely :—

“ 119 | TEA CHESTS and parts and fittings thereof.”

8. In Item No. 185, after the word “ specified,” the words “ including incandescent mantles but ” shall be inserted.

9. In Item No. 197, for the word “ AND ”, where it first occurs, the words “ , including chrome, marble, flint, poster and stereo printing paper; ” shall be substituted.

10. In Item No. 222, for the entry in the second column the following entry shall be substituted, namely :—

“ LUBRICATING OIL, that is, oil such as is not ordinarily used for any other purpose than lubrication, excluding any mineral oil which has its flashing point below two hundred degrees of the Fahrenheit thermometer by Abel's close test.”

11. In Item No. 228, the figures and words “ 15 per cent.” in the sixth column shall be omitted.

12. In Item No. 229, for the figures “ 231 ” the figures “ 230 ” shall be substituted.

13. After Item No. 232 the following item shall be inserted, namely :—

“ 232A | Gold or goldplated | *Ad valorem* . | 50 per cent. | 40 per cent. | .. ”
| PEN NIBS. |

14. After Item No. 240, the following item shall be inserted, namely :—

“ 240A | The following GLASS-MAKING MATERIALS, namely, liquid gold, and covered crucibles for glass-making. | *Ad valorem* . | 25 per cent. | 15 per cent- | .. ”

ACT No. IX OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor-General on the 13th April, 1933.)

An Act to supplement the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for certain purposes.

Bengal Act XXII of 1932.
B. and O. Act I of 1933.
Bom. Act XVI of 1932.
U. P. Act XIV of 1932.
Punj. Act III of 1932.

WHEREAS it is expedient to supplement by legislation in the Indian Legislature the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Provincial Criminal Law short title. Supplementing Act, 1933.

2. (1) An appeal shall lie to the High Court of Judicature Appeals. at Fort William in Bengal from—

(a) any sentence passed by a Special Magistrate in any trial held under the Bengal Public Security Act, 1932, in the Presidency-town of Calcutta, and

(b) any sentence of imprisonment for a term exceeding 4 years passed by a Special Magistrate in any trial under the said Act held outside the Presidency-town of Calcutta.

(2) An appeal under sub-section (1) shall be presented within thirty days from the date of the sentence, and shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code of Criminal Procedure, 1898, for the hearing of appeals.

3. Section 15 of the Bihar and Orissa Public Safety Act, 1933, section 29 of the Bombay Special (Emergency) Powers Act,

Effect of certain sections in provincial Acts.

B. and O. Act I of 1933.

Act,

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Price 1 anna or 1½d.]

Provincial Criminal Law Supplementing. [ACT IX OF 1933.]

Act, 1932, and section 14 of the United Provinces Special Powers Act, 1932, shall have effect as if these sections had been enacted by the Indian Legislature.

Jurisdiction barred.

4. Except as provided in the Bengal Public Security Act, 1932, as supplemented by this Act, no proceeding or order purporting to be taken or made under the Bengal Public Security Act, 1932, shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under the said Act.

Bar of issue of directions of the nature of a *habeas corpus*.

5. The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of any person arrested, or committed to or detained in custody under the provisions of the Punjab Criminal Law (Amendment) Act, 1932.

Certain powers of High Court not affected.

6. Nothing contained in this Act shall affect the powers of a High Court under section 107 of the Government of India Act.

ACT No. X OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
13th April, 1933.)

An Act further to amend the Auxiliary Force Act, 1920, for certain purposes.

WHEREAS it is expedient further to amend the Auxiliary Force Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Auxiliary Force (Amendment of section 2, Act) Act, 1933.

2. In section 2 of the Auxiliary Force Act, 1920 (herein after referred to as the said Act), for the definition of "competent military authority" the following definition shall be substituted, namely:—

" ' competent military authority ' means the authority prescribed as competent to perform or exercise all or any of the duties imposed or powers conferred on the competent military authority by this Act; ".

3. In sub-section (2) of section 5 of the said Act, before the words " An applicant for enrolment " the words " Subject to the prescribed conditions," shall be inserted, and the words " located in the prescribed military area within which he for the time being resides " shall be omitted.

4. In section 9 of the said Act,—

(a) for the words " has not attained the age of thirty-one years " the words " is included in the Active Class " shall be substituted;

(b) for the words " the preliminary training specified in Schedule I " the words " preliminary training of such amount as may be ordered by the competent military authority subject to the limits specified in Schedule I " shall be substituted;

(c) in

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Price 1 anna or 1½d.]

(c) in the first proviso, for the words "competent military authority" the words "Officer Commanding the corps or unit to which such enrolled person belongs" shall be substituted; and

(d) for the second proviso the following proviso shall be substituted, namely:—

"Provided further that any person may be exempted either wholly or in part by the Officer Commanding his corps or unit from the necessity of undergoing preliminary training required by this section, and shall, on the publication in the orders of the corps or unit of such exemption, be deemed to the extent of such exemption to have completed such preliminary training."

5. Section 10 of the said Act shall be omitted.

6. In section 11 of the said Act,—

(a) the words and brackets "(other than a person to whom the provisions of section 10 apply)" shall be omitted, and for the words "as hereinafter provided" the words "by the Officer Commanding the corps or unit to which he is appointed" shall be substituted;

(b) after clause (a) the word "or" shall be inserted, and for clauses (b) and (c) the following shall be substituted, namely:—

"(b) the Reserve Class;" ;
and

(c) for the words "the periodical training specified in Schedule I" the words "periodical training of such amount as may be ordered by the competent military authority subject to the limits specified in Schedule I" shall be substituted.

7. In section 12 of the said Act,—

(a) in sub-section (2),—

(i) the words "or entitled to rank as officers of His Majesty's Forces" shall be omitted;

(ii) in clause (a), for the word "and" the words "or who being so required" shall be substituted, and for

Repeal of
section 10, Act
XLIX of 1920.
Amendment of
section 11, Act
XLIX of 1920.

Amendment of
section 12, Act
XLIX of 1920.

for the words "until the end of the training year in which he attains the age of thirty-one years" the words "until he is transferred to the Reserve Class by order of the Officer Commanding the corps or unit" shall be substituted; and

(iii) for clauses (b) and (c) the following clause shall be substituted, namely:—

"(b) every such person who is transferred from the Active Class under the provisions of clause (a) or who on enrolment is assigned to the Reserve Class by order of the Officer Commanding the corps or unit shall be included in the Reserve Class.";

(b) in sub-section (3), the words "to be entitled to rank as an officer of His Majesty's Forces or", the words "section 10 or" and the words "as the case may be" shall be omitted;

(c) in sub-section (4),—

(i) for the words "either Class of the Reserve" the words "the Reserve Class" shall be substituted;

(ii) for the words "for any training year in any other Class for which more periodical training is specified in Schedule I" the words "in the Active Class" shall be substituted; and

(iii) after the word "shall" the words "if the competent military authority grants the application," shall be inserted; and

(d) sub-section (5) shall be omitted.

8. In section 13 of the said Act,—

(a) for clause (a) of sub-section (1) the following clause shall be substituted, namely:—

"(a) on the recommendation of the Advisory Committee, direct that any enrolled person included in the Active Class shall, for the purposes of periodical training, be included for any stated period in the Reserve Class, or";

and

(b) in sub-section (2), for the words "to each person" the words "in respect of each individual or unit or part thereof" shall be substituted.

Amendment of
section 13, Act
XLIX of 1926.

9. In

Auxiliary Force (Amendment). [ACT X OF 1933.]

*Amendment of
section 14,
Act XLIX of
1920.*

9. In section 14 of the said Act, for the words "competent military authority", where they first occur, the words "Officer Commanding the corps or unit to which he belongs" shall be substituted.

*Amendment of
section 15, Act
XLIX of 1920.*

10. In sub-section (2) of section 15 of the said Act, for the words "specified in Schedule I for" the words "to which he is liable in" shall be substituted.

*Amendment of
section 28, Act
XLIX of 1920.*

11. In sub-section (1) of section 28 of the said Act, the words "or a military officer appointed by him in this behalf" shall be omitted.

*Amendment of
section 30,
Act XLIX of
1920.*

12. In sub-section (2) of section 30 of the said Act,—

(a) after clause (a) the following clause shall be inserted, namely :—

"(aa) prescribe the authority which shall be the competent military authority for any purpose under this Act;" ;

(b) to clause (c) the following words shall be added, namely :—

"and the conditions governing applications to be enrolled in a particular branch, corps or unit";
and

(c) in clause (f), before the word "rates" the words "conditions governing the grant of, and the" shall be inserted.

*Amendment of
Schedule I,
Act XLIX of
1920.*

13. In Schedule I to the said Act, in item No. 2,—

(a) sub-item (2) shall be omitted; and

(b) sub-item (3) shall be re-numbered as sub-item (2), and in that sub-item, as so re-numbered, in the first column, for the words "Second (B) Class Reserve" the words "Reserve Class" shall be substituted, and in the second column, the words "for this Class" shall be omitted.

ACT No. XI OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 16th April, 1933.)

An Act further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

xxi of 1923. WHEREAS it is expedient further to amend the Indian Merchant Shipping Act, 1923, for the purposes herein-after appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Merchant Shipping (Amendment) Act, 1933. Short title and commencement.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

xxi of 1923. 2. In section 155 of the Indian Merchant Shipping Act, 1923 (hereinafter referred to as the said Act),— Amendment of section 155, Act XXI of 1923.

(a) clause (c) shall be omitted;

(b) clauses (d), (e) and (f) shall be re-lettered as clauses (c), (d) and (e), respectively;

(c) after clause (e), as so re-lettered, the following clause shall be inserted, namely:—

“(f) in the case of a native passenger ship, that food, fuel and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for native passenger ships, have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the native passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the prescribed scale:

Provided that, if the officer appointed in this behalf by the Governor General in Council is satisfied that

that a native passenger has brought on board for his own use food of the quality and in the quantity prescribed, such native passenger shall not be included among the number of native passengers for the purpose of the supply of food under this clause;”;

(d) after clause (h) the following clause shall be inserted, namely:—

“(i) in the case of a pilgrim ship, that food and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for pilgrim ships, have been placed on board, of the quality prescribed, properly packed and sufficient to supply the pilgrims on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the prescribed scale;”;

and

(e) clause (i) shall be re-lettered as clause (j).

3. Section 156 of the said Act shall be omitted.

Omission of
section 156,
Act XXI of
1923.

Amendment of
section 166,
Act XXI of
1923.

4. In section 166 of the said Act,—

(a) the words “ or pilgrim ”, where they first occur, shall be omitted;

(b) for the words “ any passenger or pilgrim ” the words “ any native passenger ” shall be substituted; and

(c) after the words “ fuel and water, ” the words “ or, if the master of a pilgrim ship, without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any pilgrim the prescribed allowances of cooked and uncooked food and of water.” shall be inserted.

5. In sub-section (1) of section 167 of the said Act, for the word “ twenty ” the word “ fifty ” shall be substituted.

6. In sub-section (1) of section 193 of the said Act, for the words “ the space for the time being required for passengers under this Act ”, the words “ sixteen and ninety-six, respectively ” shall be substituted.

Amendment of
section 167,
Act XXI of
1923.

Amendment of
section 193,
Act XXI of
1923.

7. In

or 1933.] *Indian Merchant Shipping (Amendment).*

7. In section 201 of the said Act,—

Amendment of
section 201,
Act XXI of
1923.

(a) in sub-section (1), after the words “as may be prescribed”, the following words shall be inserted, namely:—

“and such medical officers and attendants shall give their services free to all sick pilgrims on board”;

(b) in sub-section (2),—

(i) for the words “If this section is not complied with”, the words “If medical officers and attendants are not carried on a pilgrim ship in accordance with the provisions of sub-section (1)” shall be substituted; and

(ii) for the words “five hundred” the words “three thousand” shall be substituted; and

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Any medical officer or attendant on a pilgrim ship who charges any pilgrim on such ship for his services shall be liable to a fine which may extend to two hundred rupees.”

8. For section 205 of the said Act the following section shall be substituted, namely:—

Substitution of
new section for
section 205,
Act XXI of
1923.

“205. (1) Port-clearance shall not be granted from any port in British India to any pilgrim ship unless the master, owner or agent and two sureties resident in British India have executed, in favour of the Secretary of State for India in Council, a joint and several bond for the sum of ten thousand rupees covering all voyages which may be made by the ship in the current pilgrim season, conditioned that—

Bond where
pilgrim ship
proceeds on
outward
voyage.

(a) where any voyage does not begin at Aden, the ship shall, if so required by an order under section 203, touch at Aden on the outward voyage and there obtain the certificate required under that section,

(b) the master and medical officer or officers, if any, shall comply with the provisions of this Part and the rules made thereunder, and

(c) the
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Indian Merchant Shipping (Amendment). [ACT XI

(c) the master, owner or agent (as the case may be) shall pay any sum claimed by the Governor General in Council under section 209A.

(2) A bond may be given under this section covering any or all of the pilgrim ships owned by one owner, and in such cases the amount of the bond shall be ten thousand rupees for each ship covered."

Amendmen' of
section 206
Act XXI of
1923.

9. In section 206 of the said Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) No pilgrim shall be received on board any pilgrim ship unless he produces medical certificates signed by persons who, in the opinion of the officer making an inspection under this section, are duly qualified to grant such certificates, showing that such pilgrim—

(a) has been inoculated against cholera within six months before the inspection, and
(b) has been vaccinated against small-pox within five years before the inspection:

Provided that the officer making the inspection may dispense with the certificate of vaccination, if in his opinion the pilgrim has marks showing that he has had small-pox."

10. For the proviso to section 208A of the said Act the following proviso shall be substituted, namely:—

"Provided that the prescribed person may exempt any pilgrim from any or all of the above requirements, if he is satisfied that it is inexpedient, in the special circumstances of the case, to enforce them."

Substitution of
new proviso to
section 208A,
Act XXI of
1923.

11. For section 209 of the said Act the following sections shall be substituted, namely:—

"208B. (1) Every pilgrim travelling on a pilgrim ship shall be entitled, on payment of his passage-money and fulfilment of other prescribed conditions, if any, to receive a ticket in the prescribed form, and shall be bound to produce it to such officers and on such occasions as may be prescribed and otherwise to deal with it in the prescribed manner:

Issue or pro-
duction of
tickets.

Provided

Provided that no pilgrim, who has not been exempted under the proviso to section 208A, shall be given a ticket other than a return ticket unless he has made the deposit required by that section.

(2) Any ticket issued to a pilgrim for a voyage on a pilgrim ship shall entitle him to receive food and water, on the scale and of the quality prescribed, free of further charge, throughout the voyage.

208C. (1) Every pilgrim prevented from embarking under section 206, or removed from the ship under section 207, or otherwise prevented from proceeding shall be entitled to the refund of any passage-money which he may have paid, and of any deposit which he may have made under section 208A. Refund of deposits and passage-money.

(2) Any pilgrim who, within eighteen months of his sailing from British India, satisfies His Majesty's Representative at Jeddah that he intends to remain in the Hedjaz or to return to India by a route other than the route by which he came from India, shall be entitled to a refund of any deposit made by him under section 208A, or, if he is in possession of a return ticket, to a refund of half the passage-money paid by him.

(3) Where any pilgrim dies in the Hedjaz or on the voyage thereto, any person nominated by him in this behalf in writing in the prescribed manner, or, if no person has been so nominated, his legal representative, shall be entitled to a refund of any deposit made by such pilgrim under section 208A, or, if such pilgrim was in possession of a return ticket, to a refund of half the passage-money paid by such pilgrim.

(4) Where any pilgrim fails to return to British India from the Hedjaz within eighteen months of his sailing from India, or returns to India by a route other than the route by which he came from India, he or any person nominated by him in this behalf in writing in the prescribed manner shall be entitled to a refund of any deposit made by such pilgrim under section 208A, or, if such pilgrim was

Indian Merchant Shipping (Amendment). [ACT XI

was in possession of a return ticket, to a refund of half the passage-money paid by such pilgrim, except where such deposit or passage-money has already been refunded under this section.

(5) Refunds under sub-sections (1), (2), (3) and (4) of deposits shall be subject to such conditions and of passage-money to such deductions and conditions as may be prescribed.

209. (1) All deposits made under section 208A which have been unclaimed for the prescribed period shall become the property of Government.

(2) If any pilgrim entitled to a refund of passage-money under sub-section (1) of section 208C does not claim such refund within the prescribed period, or if any pilgrim who has purchased a return ticket does not on the basis of such ticket obtain a return passage from the Hedjaz within the prescribed period and the value of the return half of such ticket has not been refunded under sub-section (2) or sub-section (3) or sub-section (4) of section 208C, such passage-money or value shall, subject to the exercise of the rights conferred by sub-section (4) of section 208C, become the property of Government and shall be paid to Government by the master, owner or agent to whom it was paid."

Unclaimed
deposits and
passage-
money to lapse
to Govern-
ment.

Amendment of
section 209A,
Act XXI of
1923.

12. In section 209A of the said Act,—

(a) in sub-section (1),—

(i) for the words " Port-clearance shall not be granted from any port in British India to any pilgrim ship unless or until the master, owner or agent and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond for the sum of ten thousand rupees, conditioned that, if any pilgrim who has been carried to the Hedjaz by that ship " the words " Where any pilgrim who has been carried to the Hedjaz by a pilgrim ship " shall be substituted,

(ii) for the words " British Consul ", the words " His Majesty's Representative " shall be substituted,

(iii) for

(iii) for the words " master, owner or agent aforesaid," the words " master, owner or agent of the ship in which such pilgrim was carried to the Hedjaz " shall be substituted, and

(iv) after the proviso the following further proviso shall be inserted, namely:—

" Provided further that in the case of any pilgrim whose ticket has been deposited with His Majesty's Representative at Jeddah the said period of twenty-five days shall, during the period of six weeks following the Haj day, be reduced to fifteen days beginning on the day on which such pilgrim notifies to His Majesty's Representative at Jeddah his desire to embark for the return passage. ";

and

(b) in sub-section (2), for the words " British Consul " the words " His Majesty's Representative " shall be substituted.

13. In sub-section (3) of section 209B of the said Act, for the words " Within such time ", the words " Before such reasonable and sufficient interval " shall be substituted. Amendment of section 209B, Act XXI of 1928.

14. To section 209C of the said Act, the following sub-section shall be added, namely:— Amendment of section 209C, Act XXI of 1928.

" (6) Nothing in this section or in section 209B shall apply to any advertisement made before the interval prescribed under sub-section (3) of section 209B, and intended to give the public information of the approximate date of the sailing of a pilgrim ship, provided that such advertisement clearly states that the date so advertised is approximate only and that the correct proposed date will be advertised later."

15. (1) In sub-section (1) of section 213 of the said Act,— Amendment of section 213, Act XXI of 1928.

(a) in clause (f),—

(i) for the words " food, fuel and water ", in the first place where they occur, the words " cooked and uncooked food and water " shall be substituted; and

(ii) for

- (ii) for the words " food, fuel and water ", where they occur in the second place, the words " food and water " shall be substituted;
- (b) after clause (f), as so amended, the following clause shall be inserted, namely :—
 - " (ff) the kinds of food to be provided for pilgrims on payment, in addition to the food to be supplied in accordance with the rules made under clause (f), and the charges which may be made for the same;";
- (c) in clause (j), after the words " on board " the words " free of charge to pilgrims " shall be inserted;
- (d) after clause (m) the following clause shall be inserted, namely :—
 - " (mm) the period referred to in clause (a) of subsection (IA) of section 206;";
- (e) for clause (r) the following clause shall be substituted, namely :—
 - " (r) the refund of deposits and passage-money under section 208C, and the manner in which persons shall be nominated under that section for the purpose of entitling them to a refund;";

and
- (f) after clause (w) the following clause shall be inserted, namely :—
 - " (ww) providing that a pilgrim shall not be received on board any pilgrim ship, unless he is in possession of a passport or a pilgrim's pass, regulating the issue of pilgrim's passes, and prescribing the form of and fees which may be charged for such passes; and ".

(2) In sub-section (2) of the said section, for the words " two hundred " the words " three hundred " shall be substituted.

ACT No. XII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 16th April, 1933.)

An Act further to amend the Indian Income-tax Act, 1922, for a certain purpose.

1922. **W**HEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Income-tax Short title
and commencement
of
Amendment Act, 1933.

(2) It shall come into force on the 1st day of April, 1933.

1922. 2. In sub-section (2) of section 4 of the Indian Income-tax Amendment of
section 4, Act
XI of 1922. Act, 1922,—

(a) for the words "Profits and gains of a business" the words "Income, profits and gains" shall be substituted, and before the word "profits", where it occurs for the second time, the word "income," shall be inserted;

(b) the words "provided that they are so received or brought in within three years of the end of the year in which they accrued or arose" shall be omitted;

(c) the following provisos shall be added, namely:—

"Provided that nothing contained in this sub-section shall apply to any income, profits or gains so accruing or arising prior to the 1st day of April, 1933, unless they are income, profits or gains of a business and are received in or brought into British India within three years of the end of the year in which they accrued or arose:

Provided further that nothing in this sub-section shall apply to income from agriculture arising or accruing in a State in India from land for which any annual payment in money or in kind is made to the State"; and

(d) in the Explanation, before the word "profits" the word "income," shall be inserted.

Price 1 anna or 1½d.]

ACT No. XIII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
16th April, 1933.)

An Act to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India.

WHEREAS it is expedient to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India; It is hereby enacted as follows:—

1. (1) This Act may be called the Safeguarding of Industries Act, 1933. short title, extent and duration.

(2) It extends to the whole of British India except Aden and Perim.

(3) It shall remain in force until the 31st day of March, 1935.

2. (1) If the Governor General in Council is satisfied, after such inquiry as he thinks necessary, that goods, the produce or manufacture of any country outside India, are being sold in or imported into British India, at such abnormally low prices that the existence of an industry established in British India is thereby endangered, he may, by notification in the Gazette of India, impose on any such goods a duty of customs of such amount as he considers necessary to safeguard the interests of the industry affected. Power of Governor General in Council to impose duties of customs.

(2) The duties imposed under sub-section (1) shall be deemed to be duties leviable under the Indian Tariff Act, 1894, and shall be in addition to any duties imposed under that Act or any other law for the time being in force, but shall not be included in the total duty upon which any additional duty imposed by section 4 of the Indian Finance Act, 1931, or section 4 of the Indian Finance (Supplementary and Extending)

VIII of 1894;

Extending) Act, 1931, is calculated, or operate so as in any way to affect the amount of any additional duty so imposed.

Notification
imposing duty
of customs to
be approved by
Indian Legisla-
ture.

3. (1) Every notification issued under sub-section (1) of section 2 shall be laid before both Chambers of the Indian Legislature as soon as may be after it is made, and shall cease to have effect on the expiry of two months from the last date on which it has been so laid before either Chamber unless in the meantime it has been approved by a resolution of each Chamber.

(2) Notwithstanding anything contained in section 21 of the General Clauses Act, 1897, the provisions of sub-section ~~x of 1897.~~
(1) shall not apply to the exercise by the Governor General in Council of his powers under the said section of the said Act to add to, amend, vary or rescind any notification issued under sub-section (1) of section 2 of this Act unless such exercise has the effect of imposing a duty of customs not already imposed or of increasing a duty of customs already imposed by the original notification.

Power of Gov-
ernor General
in Council to
make rules.

4. (1) The Governor General in Council may, by notification in the Gazette of India, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may prescribe the conditions subject to which any goods shall be deemed to be the produce or manufacture of a particular country for the purposes of this Act.

ACT No. XIV OF 1933

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
16th April, 1933.)

An Act further to amend the Indian Tariff Act, 1894, for a certain purpose.

VIII of 1894. WHEREAS it is expedient further to amend the Indian Tariff Act, 1894, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Tariff (Amendment) short title. Act, 1933.
2. In Item No. 148A of the Second Schedule to the Indian Tariff Act, 1894, after the words "Indian sheet bar" in Amendment of Schedule II, Act VIII of 1894. sub-item (i) and sub-item (ii) the words and figures "imported into the United Kingdom after the 23rd day of December, 1932" shall be added.

Price 1 anna or 1½d.]

ACT NO. XV OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th September, 1933.)

An Act further to amend the Workmen's Compensation Act, 1923.

VIII of 1923. WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923; It is hereby enacted as follows:—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1933. Short title and commencement.

(2) It shall come into force on the 1st day of January, 1934; but sections 2, 3, 4, 5, 21, 22 and 23 shall not have effect until the 1st day of July, 1934, and shall have effect thereafter only in respect of compensation payable on account of an injury caused to a workman by an accident occurring on or after the 1st day of July, 1934.

VIII of 1923. 2. In section 2 of the Workmen's Compensation Act, 1923 (hereinafter referred to as the said Act),— Amendment of section 2, Act VIII of 1923.

(a) in sub-section (1),—

(i) for clause (d) the following shall be substituted, namely:—

“(d) ‘dependant’ means any of the following relatives of a deceased workman, namely:—

(i) a wife, a minor legitimate son, and unmarried legitimate daughter, or a widowed mother; and

(ii) if wholly or in part dependent on the earnings of the workman at the time of his death, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent,”

(ii) clause

Price anna 1 or 1½d.

(ii) clause (j) shall be omitted,
(iii) in clause (k), the word "registered" shall be omitted, and for the words "any such" the word "the" shall be substituted, and
(iv) in sub-clause (ii) of clause (n), the words ", either by way of manual labour or" shall be omitted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Governor General in Council, after giving, by notification in the Gazette of India, not less than three months' notice of his intention so to do, may, by a like notification, add to Schedule II any class of persons employed in any occupation which he is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply to such classes of persons:

Provided that in making such addition the Governor General in Council may direct that the provisions of this Act shall apply to such classes of persons in respect of specified injuries only."

Amendment of section 3, Act VIII of 1923.

3. In section 3 of the said Act,—

(a) in sub-section (1),—

(i) in proviso (a), for the word "ten" the word "seven" shall be substituted, and
(ii) in proviso (b), for the words "injury to a workman resulting from" the words "injury, not resulting in death, caused by" shall be substituted; and
(b) in sub-section (4), the words "solely and" shall be omitted.

Amendment of section 4, Act VIII of 1923.

Amount of compensation.

4. For sub-section (1) of section 4 of the said Act, the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

A. Where death results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the second column thereof, and

(ii) in the case of a minor—two hundred rupees;

B. Where

B. Where permanent total disablement results from the injury—

- (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof, and
- (ii) in the case of a minor—twelve hundred rupees;

C. Where permanent partial disablement results from the injury—

- (i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and
- (ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

- (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—of the sum shown against such limits in the fourth column thereof, and
- (ii) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thirty rupees:

Provided that—

- (a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which

which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be: and

(b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.”

Amendment of
section 5,
Act VIII of
1928.

5. In section 5 of the said Act,—

(a) in sub-section (1),—

(i) for the word and figure “section 4” the words “this Act” shall be substituted,

(ii) after clause (a) the following clause shall be inserted, namely :—

“(b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality;”,

(iii) clause (b) shall be re-lettered as clause (c), and

(iv) the proviso shall be omitted; and

(b) sub-section (2) shall be omitted.

Amendment of
section 8,
Act VIII of
1928.

6. In section 8 of the said Act,—

(a) for the proviso to sub-section (1) the following shall be substituted, namely :—

“Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer.”; and

(b) in

(b) in sub-section (4),—

(i) for the words "may deduct" the words "shall deduct" shall be substituted, and

(ii) for the words "fifty rupees or so much of that cost or of fifty rupees, whichever is less, as has not already been advanced by the employer on account of such expenses" the words "twenty-five rupees" shall be substituted.

7. In section 10 of the said Act,—

(a) in sub-section (1), after the first proviso the following proviso shall be inserted, namely:—

"Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings—

(a) if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(b) if the employer had knowledge of the accident from any other source at or about the time when it occurred:"; and

(b) for sub-section (3) the following sub-sections shall be substituted, namely:—

"(3) The Local Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice-book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting *bona fide* on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice-book is maintained, by entry in the notice-book."

Amendment of
section 10, Act
VIII of 1923.

8. After

Insertion of
new sections
10A and 10B
in Act VIII
of 1923.

Power to
require from
employers
statements
regarding
fatal accidents.

8. After section 10 of the said Act the following sections shall be inserted, namely:—

"10A. (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may send by registered post a notice to the workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the Commissioner, after such inquiry as he may think fit, may inform any of the defendants of the deceased workman that it is open to the defendants to prefer a claim for compensation, and may give them such other further information as he may think fit.

10B: (1) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring on his premises which results in death, the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the death: !

Provided that where the Local Government has so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice. !

(2) The Local Government may, by notification in the local official Gazette, extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner."

9. In

OF 1933.] *Workmen's Compensation (Amendment).*

9. In sub-section (2) of section 12 of the said Act, after the words "the contractor" the words "or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation" shall be inserted.

Amendment of
section 12, Act
VIII of 1923.

10. In section 15 of the said Act, the word "registered" shall be omitted.

Amendment of
section 15, Act
VIII of 1923.

11. In Chapter II and after section 18 of the said Act, the following section shall be inserted, namely:—

Insertion of
new section
18A in Act
VIII of 1923.

"18A. (1) Whoever—

Penalties.

(a) fails to maintain a notice-book which he is required to maintain under sub-section (3) of section 10, or

(b) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of section 10A, or

(c) fails to send a report which he is required to send under section 10B, or

(d) fails to make a return which he is required to make under section 16,

shall be punishable with fine which may extend to one hundred rupees.

(2) No prosecution under this section shall be instituted except by or with the previous sanction of a Commissioner, and no Court shall take cognizance of any offence under this section, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed."

12. In sub-section (1) of section 19 of the said Act, for the words "the Commissioner" the words "a Commissioner" shall be substituted.

Amendment
of section 19,
Act VIII of
1923.

13. In section 20 of the said Act,—

Amendment of
section 20,
Act VIII of
1923.

(a) after sub-section (1) the following sub-section shall be inserted, namely:—

"(2) Where more than one Commissioner has been appointed for any local area, the Local Government may,

Amendment of
section 21, Act
VIII of 1923.

may, by general or special order, regulate the distribution of business between them.”; and

(b) sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4).

14. In section 21 of the said Act,—

(a) in sub-section (1), for the words “the Commissioner”, in both places where they occur, the words “a Commissioner” shall be substituted, and in the proviso the word “registered” shall be omitted, and

(b) after sub-section (4) the following sub-section shall be inserted, namely:— |

“(5) The Local Government may transfer any matter from any Commissioner appointed by it to any other Commissioner appointed by it.”

15. In section 22 of the said Act,—

(a) in sub-section (1), after the word “Commissioner”, the words “, other than an application by a dependant or dependants for compensation,” shall be inserted; and

(b) in sub-section (2),—

(i) for the words “Where any such question has arisen, the application” the words “An application to a Commissioner” shall be substituted, and

(ii) in clause (d), after the brackets and letter “(d)”, the words “except in the case of an application by dependants for compensation,” shall be inserted.

16. After section 22 of the said Act, the following section shall be inserted, namely:—

Insertion of
new section
22A in Act
VIII of 1923.

Power of Com-
missioner to
require further
deposit in
cases of fatal
accident.

“22A. (1) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

(2) If the employer fails to show cause to the satisfaction of the Commissioner, the Commissioner may make an award determining the total amount payable, and requiring the employer to deposit the deficiency.”

17. To

17. To sub-section (1) of section 30 of the said Act, after the existing provisos, the following further proviso shall be added, namely:—

Amendment of
section 30,
Act VIII of
1923.

“Provided further that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.”

18. After section 30 of the said Act, the following section shall be inserted, namely:—

Insertion of
new section
30A in Act
VIII of 1923.

Withholding
of certain
payments
pending
decision of
appeal.

“30A. Where an employer makes an appeal under clause (a) of sub-section (1) of section 30, the Commissioner may, and if so directed by the High Court shall, pending the decision of the appeal, withhold payment of any sum in deposit with him.”

19. In section 33 of the said Act,—

Amendment of
section 33
Act VIII of
1923.

(i) in clause (c), the word “and”, in the second place where it occurs, shall be omitted;

(ii) after clause (c) the following clauses shall be inserted, namely:—

“(d) for prescribing the classes of employers who shall maintain notice-books under sub-section (3) of section 10, and the form of such notice-books;

(e) for prescribing the form of statement to be submitted by employers under section 10A;

(f) for prescribing the cases in which the report referred to in section 10B may be sent to an authority other than the Commissioner; and”; and

(iii) clause (d) shall be re-lettered as clause (g).

20. After section 34 of the said Act, the following section shall be inserted, namely:—

Insertion of
new section 35
in Act VIII of
1923.

“35. The Governor General in Council may, by notification in the Gazette of India, make rules for the transfer to any part of His Majesty's Dominions or to any other country of money paid to a Commissioner under this Act for the benefit of any person residing or about to reside in such part or country and for the receipt and administration in British India of any money awarded under the law relating to workmen's compensation in any part of His Majesty's Dominions or in any other country, and applicable for the benefit of any person residing or about to reside in British India.”

Rules to give
effect to
arrangements
with other
countries for
the transfer of
money paid as
compensation.

21. In

Amendment of
Schedule II,
Act VIII of
1928.

21. In Schedule II to the said Act, for clauses (i) to (xiii), the following clauses and Explanation shall be substituted, namely:—

- (i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of mechanically propelled vehicles; or
- (ii) employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been employed in any manufacturing process, as defined in clause (4) of section 2 of the Indian Factories Act, 1911, ^{XII of 1911.} or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used; or
- (iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed; or
- (iv) employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed; or
- (v) employed, in any mine as defined in clause (f) of section 3 of the Indian Mines Act, 1923, ^{XIV of 1923.} in any mining operation, or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground:

Provided that any excavation in which on no day of the preceding twelve months more than fifty persons have been employed or explosives have been used, and whose depth from its highest to its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause; or

- (vi) employed as the master or as a seaman of—
 - (a) any ship which is propelled wholly or in part by steam or other mechanical power, or by electricity or which is towed or intended to be towed by a ship so propelled, or
 - (b) any

or 1933.] *Workmen's Compensation (Amendment).*

XV of 1908.

- (b) any ship not included in sub-clause (a) of fifty tons net tonnage or over; or
- (vii) employed for the purpose of loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport within the limits of any port subject to the Indian Ports Act, 1908, of goods which have been discharged from or are to be loaded into any vessel; or
- (viii) employed in the construction, repair or demolition of—
 - (a) any building which is designed to be or is or has been more than one storey in height above the ground or twenty feet or more from the ground level to the apex of the roof, or
 - (b) any dam or embankment which is twenty feet or more in height from its lowest to its highest point, or
 - (c) any road, bridge, or tunnel; or
 - (d) any wharf, quay, sea-wall or other marine work including any moorings of ships; or
- (ix) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any over-head electric line or cable or post or standard for the same; or
- (x) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer; or
- (xi) employed in the service of any fire brigade; or
- (xii) employed upon a railway as defined in clause (4) of section 3, and sub-section (1) of section 148 of the Indian Railways Act, 1890, either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration; or
- (xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department; or
- (xiv) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas; or
- (xv) employed in any occupation involving blasting operations; or
- (xvi) employed

IX of 1890.

- (xvi) employed in the making of any excavation in which on any one day of the preceding twelve months more than fifty persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet; or
- (xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or
- (xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed; or
- (xix) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or
- (xx) employed in a lighthouse as defined in clause (d) of section 2 of the Indian Lighthouse Act, 1927; or XVII of 1927.
- (xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or
- (xxii) employed in the training, keeping or working of elephants or wild animals; or
- (xxiii) employed as a diver.

Explanation.—In this Schedule, ‘the preceding twelve months’ relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.”

Amendment of
Schedule III,
Act VIII of
1923.

22. In Schedule III to the said Act, after the entry relating to phosphorus poisoning, the following entries shall be added, namely:—

“Mercury poisoning or its sequelæ .	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene and its homologues, or the sequelæ of such poison ing.	Handling benzene or any of its homologues: and any process in the manufacture or involving the use of benzene or any of its homologues.
Chrome ulceration or its sequelæ .	Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium, or their preparations.
Compressed air illness or its sequelæ .	Any process carried on in compressed air.”

23. For

of 1933.] *Workmen's Compensation (Amendment).*

23. For Schedule IV to the said Act, the following shall be substituted, namely:—

Substitution
of new Schedule
for Schedule
IV, Act VIII
of 1923.

“SCHEDULE IV.

(See section 4.)

Compensation payable in certain cases.

Monthly wages of the workman injured.	Amount of compensation for—			Half-monthly payment as compensation for TEMPORARY DISABLEMENT OF ADULT.
	DEATH OF ADULT.	PERMANENT TOTAL DISABLEMENT OF ADULT.	4	
1	2	3	4	
More than—	But not more than—			
Rs.	Rs.	Rs.	Rs.	Rs. a.
0	10	500	700	Half his monthly wages. 5 0
10	15	550	770	
15	18	600	840	6 0
18	21	630	882	7 0
21	24	720	1,008	8 0
24	27	810	1,134	8 8
27	30	900	1,260	9 0
30	35	1,050	1,470	9 8
35	40	1,200	1,680	10 0
40	45	1,350	1,890	11 4
45	50	1,500	2,100	12 8
50	60	1,800	2,520	15 0
60	70	2,100	2,940	17 8
70	80	2,400	3,360	20 0
80	100	3,000	4,200	25 0
100	200	3,500	4,900	30 0
200	..	4,000	5,600	30 0”

ACT No. XVI OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 11th September, 1933.)

An Act further to amend the Land Acquisition Act, 1894, for certain purposes.

I of 1894. WHEREAS it is expedient further to amend the Land Acquisition Act, 1894, for the purposes hereinafter appearing; It is hereby enacted as follows:—

I of 1894. 1. This Act may be called the Land Acquisition (Amendment) Short title. Act, 1933.

I of 1894. 2. After section 38 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act), the following section shall be inserted, namely:— Insertion of new section 38A in Act I of 1894.

“38A. An industrial concern, ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a Company for the purposes of this Part, and the references to Company in sections 5A, 6, 7, 17 and 50 shall be interpreted as references also to such concern.” Industrial concern to be deemed Company for certain purposes.

3. In sub-section (1) of section 40 of the said Act, for clauses (a) and (b) the following clauses shall be substituted, namely:— Amendment of section 40, Act I of 1894.

“(a) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or

(b) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public.”

4. In

Price anna 1 or 1½d.

Land Acquisition (Amendment). [ACT XVI OF 1933.]

Amendment of
section 41, Act
I of 1894.

4. In section 41 of the said Act,—

(a) after the word “that” where it first occurs, the following words shall be inserted, namely :—

“the purpose of the proposed acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or that”; and

(b) for clauses (4) and (5) the following clauses shall be substituted, namely :—

“(4) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided; and

(5) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained, and the terms on which the public shall be entitled to use the work.”

ACT No. XVII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 11th September, 1933.)

An Act to regulate the possession of wireless telegraphy apparatus.

WHEREAS it is expedient to regulate the possession of wireless telegraphy apparatus in British India; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Wireless Telegraphy Act, 1933. Short title,
extent and
commencement,

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In this Act, unless there is anything repugnant in the Definitions. subject or context,—

(1) “wireless communication” means the making, transmitting or receiving of telegraphic, telephonic or other communications by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus;

(2) “wireless telegraphy apparatus” means any apparatus, appliance, instrument or material used or capable of use in wireless communication, and includes any article determined by rule made under section 10 to be wireless telegraphy apparatus, but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially so designed or adapted, nor any article determined by rule made under section 10 not to be wireless telegraphy apparatus; and

(3) “prescribed”

Price anna 1 or 1½d.

(3) "prescribed" means prescribed by rules made under section 10.

Prohibition of possession of wireless telegraphy apparatus without license.

3. Save as provided by section 4, no person shall possess wireless telegraphy apparatus except under and in accordance with a license issued under this Act.

Power of Governor General in Council to exempt persons from provisions of the Act.

4. The Governor General in Council may by rules made under this Act exempt any person or any class of persons from the provisions of this Act either generally or subject to prescribed conditions, or in respect of specified wireless telegraphy apparatus.

Licenses.

5. The telegraph authority constituted under the Indian Telegraph Act, 1885, shall be the authority competent to issue ~~XIII of 1885.~~ licenses to possess wireless telegraphy apparatus under this Act, and may issue licenses in such manner, on such conditions and subject to such payments as may be prescribed.

Offence and penalty.

6. (1) Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of section 3 shall be punished, in the case of the first offence, with fine which may extend to one hundred rupees, and, in the case of a second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) For the purposes of this section a Court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge, or is located in any premises or place over which he has effective control.

(3) If in the trial of an offence under this section the accused is convicted, the Court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.

Power of search.

7. (1) A Presidency Magistrate, or a Magistrate of the first class or a Magistrate of the second class specially empowered by the Local Government in this behalf, may issue a warrant for the search, at any time between sunrise and sunset, of any building, vessel or place in which he has reason to believe that any wireless telegraphy apparatus, in respect of which an offence punishable under section 6 has been committed, is kept or concealed.

(2) The officer to whom a search warrant under sub-section (1) is addressed may enter into any building, vessel or place mentioned in the warrant and seize any wireless telegraphy apparatus in respect of which he has reason to believe an offence under section 6 has been committed.

8. All

8. All wireless telegraphy apparatus confiscated under the provisions of sub-section (3) of section 6, and all wireless telegraphy apparatus having no ostensible owner shall be the property of the Governor General in Council.

9. A Court inflicting a fine as punishment for any offence under section 6 or under the rules made under section 10 may direct that the amount of the fine or any part of it shall be paid to the prescribed authority to be utilised for the benefit of the Indian State Broadcasting Service or a Broadcasting Service approved in this behalf by the Governor General in Council.

10. (1) The Governor General in Council may, by notification in the Gazette of India, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(i) determining that any article or class of article shall be or shall not be wireless telegraphy apparatus for the purposes of this Act;

(ii) the exemption of persons or classes of persons under section 4 from the provisions of this Act;

(iii) the manner of and the conditions governing the issue, renewal, suspension and cancellation of licenses, the form of licenses and the payments to be made for the issue and renewal of licenses;

(iv) the maintenance of records containing details of the acquisition and disposal by sale or otherwise of wireless telegraphy apparatus possessed by dealers in wireless telegraphy apparatus;

(v) the conditions governing the sale of wireless telegraphy apparatus by dealers in and manufacturers of such apparatus; and

(vi) determining the authority referred to in section 9.

(3) In making a rule under this section the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees.

XIII of 1885.

XIII of 1885.

11. Nothing in this Act contained shall authorise the doing of anything prohibited under the Indian Telegraph Act, 1885, and no license issued under this Act shall authorise any person to do anything for the doing of which a license or permission under the Indian Telegraph Act, 1885, is necessary.

Apparatus confiscated or having no owner to be property of Governor General in Council.

Power of Court to direct payment of fines to prescribed authority.

Power of Governor General in Council to make rules.

Saving of Indian Telegraph Act, 1885.

ACT NO. XVIII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 11th September, 1933.)

An Act further to amend the Indian Income-tax Act, 1922, for certain purposes.

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for the purposes hereinafter appearing: It is hereby enacted as follows:—

1. This Act may be called the Indian Income-tax (Second Amendment) Act, 1933.
2. In section 5 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act),—
 - (a) for sub-section (3) the following sub-section shall be substituted, namely:—

“(3) The Governor General in Council may appoint a Commissioner of Income-tax for any area specified in the order of appointment.”;
 - (b) in sub-section (4),—
 - (i) for the words “in respect of such classes of persons and such classes of income” the words “in respect of such persons or classes of persons and of such incomes or classes of income” shall be substituted, and
 - (ii) after the words “in respect of such areas as the Commissioner of Income-tax may direct” the following words shall be inserted, namely:—

“and, where two or more Assistant Commissioners of Income-tax or Income-tax Officers have been appointed for the same area, in accordance with any orders which the Commissioner of Income-tax may make for the distribution and allocation of the work to be performed”; and
 - (c) in sub-section (6), for the word “province” the word “area” shall be substituted.
3. In

Price anna 1 or 1½d.

Indian Income-tax (Second Amendment). [ACT XVIII]

Amendment of section 8, Act XI of 1922. 3. In the first proviso to section 8 of the said Act, after the word "Provided" the word ", further," shall be inserted, and before the said proviso as so amended the following proviso shall be inserted, namely:—

"Provided that no income-tax shall be payable under this section by the assessee in respect of any sum deducted from such interest by way of commission by a banker realizing such interest on behalf of the assessee:".

Amendment of section 9, Act XI of 1922. 4. For clause (iv) of sub-section (1) of section 9 of the said Act the following clause shall be substituted, namely:—

"(iv) where the property is subject to a mortgage, or other capital charge, the amount of any interest on such mortgage or charge; where the property is subject to a ground rent, the amount of such ground rent; and where the property has been acquired with borrowed capital, the amount of any interest payable on such capital and not specifically charged upon the property itself;".

Amendment of section 11, Act XI of 1922. 5. For sub-section (2) of section 11 of the said Act the following sub-section shall be substituted, namely:—

"(2) Such profits or gains shall be computed after making the following allowances, namely:—

(i) any expenditure (not being in the nature of capital expenditure) incurred solely for the purposes of such profession or vocation, and not being personal expenses of the assessee;

(ii) in respect of depreciation of buildings and depreciation and obsolescence of machinery, apparatus, appliances, plant, furniture or other capital assets being the property of the assessee and used solely for the purposes of such profession or vocation, the allowances specified in clauses (vi) and (vii) of sub-section (2) of section 10 subject to all the conditions specified in those clauses."

Amendment of section 16, Act XI of 1922. 6. In sub-section (1) of section 16 of the said Act, for the words and figure "the provisos to section 8" the words and figure "the second and third provisos to section 8" shall be substituted..

Amendment of section 18, Act XI of 1922. 7. In section 18 of the said Act,—

(a) sub-section (1) shall be omitted;

(b) in sub-section (2), after the word "income-tax" the words "but not super-tax" shall be inserted;

(c) in

(c) in sub-section (3),—

- (i) after the word "shall" the words "unless otherwise prescribed in the case of any security of the Government of India" shall be inserted,
- (ii) after the word "income-tax" the words "but not super-tax" shall be inserted, and
- (iii) the following proviso shall be added, namely:—

"Provided that where the Income-tax Officer gives a certificate in writing (which certificate he shall give in every proper case on the application of the assessee) that to the best of his belief the total income of a recipient will be less than the minimum liable to income-tax or will be liable to a rate of income-tax less than the maximum rate, the person responsible for paying any income herein referred to to such recipient shall, until such certificate is cancelled by the Income-tax Officer, pay the income without deduction or deduct the tax at such less rate, as the case may be."

(d) after sub-section (3) as so amended the following sub-sections shall be inserted, namely:—

"(3A) Where the Income-tax Officer has reason to believe that the total income of any person residing out of British India to whom any interest not being 'Interest on Securities' is payable, will in any year exceed the maximum amount which is not chargeable with super-tax under the law for the time being in force, he may, by order in writing, require the person responsible for paying such interest to such person to deduct at the time of payment income-tax and super-tax at the rates determined by the Income-tax Officer to be applicable to the total income of such person in that year.

(3B) Where the person responsible for paying any interest not being 'Interest on Securities' to any person pays to that person in any year an amount of such interest exceeding in the aggregate the maximum amount which is not chargeable with super-tax under the law for the time being in force, the person responsible for paying such interest shall, if he has not reason to believe that the recipient is resident in British India, and no order under sub-section (3A) has been received in respect of such

Indian Income-tax (Second Amendment). [ACT XVIII]

such recipient, deduct at the time of payment income-tax on the total amount of such interest at the rate appropriate to such total, and super-tax on the amount by which such total exceeds the maximum amount not chargeable with super-tax at the rate applicable to such excess.

(3C) Where the Income-tax Officer has reason to believe that any person, who is a shareholder in a company, is resident out of British India and that the total income of such person will in any year exceed the maximum amount which is not chargeable to super-tax under the law for the time being in force, he may, by order in writing, require the principal officer of the company to deduct at the time of payment of any dividend from the company to the shareholder in that year super-tax at such rate as the Income-tax Officer may determine as being the rate applicable in respect of the income of the shareholder in that year.

(3D) If in any year the amount of any dividend or the aggregate amount of any dividends paid to any shareholder by a company (together with the amount of any income-tax payable by the company in respect thereof) exceeds the maximum amount of the total income of a person which is not chargeable to super-tax under the law for the time being in force, and the principal officer of the company has not reason to believe that the shareholder is resident in British India, and no order under sub-section (3C) has been received in respect of such shareholder by the principal officer from the Income-tax Officer, the principal officer shall at the time of payment deduct super-tax on the amount of such excess at the rate which would be applicable under the law for the time being in force if the amount of such dividend or dividends (together with the amount of such income-tax as aforesaid) constituted the whole total income of the shareholder.”;

(e) in sub-section (5), after the word “income-tax” the words “or super-tax” shall be inserted;

(f) in sub-section (7),—

(i) after the words “as required by” the words “or under” shall be inserted, and for the word “personally” the words “an assessee” shall be substituted, and

(ii) the

(ii) the following proviso shall be added, namely:—

“Provided that the Income-tax Officer shall not make a direction under sub-section (1) of section 46 for the recovery of any penalty from such person unless satisfied that such person has wilfully failed to deduct and pay the tax.”; and

(g) in sub-section (9), after the word “income-tax”, in both places where it occurs, the words “or super-tax” shall be inserted, and for the word, brackets and figure “sub-section (3)”, the words, brackets and figures “sub-section (3), (3A), (3B), (3C) or (3D)” shall be substituted.

8. In section 19 of the said Act, for the words and figures “any other head than those mentioned in sub-section (1) of section 18” the words “any head other than ‘salaries’ or ‘interest on securities’” shall be substituted. Amendment of section 19, Act XI of 1922.

9. After section 20 of the said Act the following section shall be inserted, namely:— Insertion of new section 20A in Act XI of 1922.

“20A. The person responsible for paying any interest not being ‘Interest on Securities’ shall, on or before the fifteenth day of June in each year, furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and addresses of all persons to whom during the previous financial year he has paid interest or aggregate interest exceeding such amount not being less than one thousand rupees as may be prescribed in this behalf, together with the amount paid to each such person.” Supply of information regarding interest.

10. In section 24 of the said Act,— Amendment of section 24, Act XI of 1922.

(a) in sub-section (2), after the words “any member of such firm” the words “or any person who being a minor has been admitted to the benefits of partnership in such firm” shall be inserted; and

(b) to the same sub-section as so amended the following shall be added, namely:—

“or to his share of the benefits of partnership, as the case may be”.

11. After section 24 of the said Act, the following sections shall be inserted, namely:— Insertion of new sections 24A and 24B in Act XI of 1922.

“24A. (1) When it appears to the Income-tax Officer that any person may leave British India during the current financial year, or shortly after its expiry, and that he has no present intention of returning

returning, the Income-tax Officer may proceed to assess him on his total income for the period from the expiry of the last previous year for which he has been assessed to the probable date of his departure from British India. For each completed previous year included in this period an assessment shall be made on the total income of such person at the rate at which it would have been charged had such income been fully assessed, and for the period from the expiry of the last of such previous years to the probable date of departure, the Income-tax Officer shall estimate the total income of such person and assess it at the rate in force for the financial year in which such assessment is made:

Provided that nothing herein contained shall authorise an Income-tax Officer to assess any income, profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under section 34.

(2) For the purpose of making an assessment under sub-section (1), the Income-tax Officer may serve a notice upon such person requiring him to furnish, within such time not being less than seven days as may be specified in the notice, a return in the same form and verified in the same manner as a return under sub-section (2) of section 22, setting forth (along with such other particulars as may be provided for in the notice) his total income for each of the completed previous years comprised in the period first referred to in sub-section (1) and his estimated total income for the period from the expiry of the last such completed previous year to the probable date of his departure; and the provisions of this Act shall, so far as may be, apply as if the notice were a notice issued under sub-section (2) of section 22.

24B. (1) Where a person dies, his executor, administrator or other legal representative shall be liable to pay out of the estate of the deceased person to the extent to which the estate is capable of meeting the charge the tax assessed as payable by such person, or any tax which would have been payable by him under this Act if he had not died.

(2) Where a person dies before he is served with a notice under sub-section (2) of section 22 or section 34,

Tax of
deceased
person payable
by representa-
tive.

as the case may be, the Income-tax Officer may serve on his executor, administrator or other legal representative a notice under sub-section (2) of section 22 or under section 34, as the case may be, and may proceed to assess the total income of the deceased person as if such executor, administrator or other legal representative were the assessee.

(3) Where a person dies, without having furnished a return which he has been required to furnish under the provisions of sub-section (2) of section 22, or having furnished a return which the Income-tax Officer has reason to believe to be incorrect or incomplete, the Income-tax Officer may make an assessment of the total income of such person and determine the tax payable by him on the basis of such assessment, and for this purpose may require from the executor, administrator or other legal representative of the deceased person any accounts, documents or other evidence which he might under the provisions of sections 22 and 23 have required from the deceased person.”

12. In section 30 of the said Act,—

Amendment of
section 30,
Act XI of
1922.

(a) in sub-section (1), after the words “objecting to a refusal of an Income-tax Officer” the words “to register a firm under section 26A or” shall be inserted, and

(b) in sub-section (2), after the words “objected to” the words “or of the intimation of the refusal to register a firm under section 26A,” shall be inserted.

13. In sub-section (3) of section 31 of the said Act,—

Amendment of
section 31, Act
XI of 1922.

(a) after the words “in the case of an order refusing” the words “to register a firm under section 26A or” shall be inserted, and

(b) in sub-clause (c), for the words “to make a fresh assessment” the words “to register the firm or to make a fresh assessment, as the case may be” shall be substituted.

14. In sub-section (1) of section 32 of the said Act, for the words “the making of such order” the words “the date on which he was served with notice of such order” shall be substituted.

Amendment of
section 32, Act
XI of 1922.

15. To

Indian Income-tax (Second Amendment). [ACT XVIII]

Amendment of section 38, Act XI of 1922. 15. To section 38 of the said Act the following clause shall be added, namely:—

“(3) require any person whom he has reason to believe to be engaged in business, to furnish him with a return containing particulars of the location and style of his principal place of business, and of his branch businesses, if any, the names and addresses of his partners in any business, and the extent of his own share and the shares of all such partners in the profits of such business or businesses.”

Amendment of section 46, Act XI of 1922. 16. To sub-section (2) of section 46 of the said Act the following proviso shall be added, namely:—

“Provided that without prejudice to any other powers of the Collector in this behalf, he shall for the purpose of recovering the said amount have in respect of the attachment and sale of debts due to the assessee the powers which under the Code of Civil Procedure, 1908, a Civil Court has in respect of V of 1908. the attachment and sale of debts due to a judgment-debtor for the purpose of the recovery of an amount due under a decree.”

Amendment of section 48, Act XI of 1922.

17. In section 48 of the said Act,—

(a) in sub-section (1),—

(i) after the word “declared” the following words shall be inserted, namely:—

“or that his total income in such year is below the minimum chargeable with income-tax”, and

(ii) after the words “between those rates” the following words shall be added, namely:—

“or at the rate applicable to the profits and gains of the company at the time of the declaration of such dividend, as the case may be”;

(b) in sub-section (2),—

(i) after the words “registered firm” the words “or any person who being a minor has been admitted to the benefits of partnership in such firm” shall be inserted,

(ii) after the words “of that year” the following words shall be inserted, namely:—

“or that his total income of the previous year was below the minimum chargeable with income-tax”, and

(iii) after

of 1933.] Indian Income-tax (Second Amendment).

(iii) after the words "between those rates" the following words shall be added, namely:—

"or at the rate at which income-tax has been levied, as the case may be"; and

(c) in sub-section (3),—

(i) after the words "in that year" the following words shall be inserted, namely:—

"or that his total income of the previous year was below the minimum chargeable with income-tax", and

(ii) after the words "between those rates" the following words shall be added, namely:—

"or at the rate at which income-tax has been deducted, as the case may be".

18. After section 48 of the said Act, the following section shall be inserted, namely:—

Insertion of
new section
48A in Act XI
of 1922.

General power
to make
refunds.

"48A. (1) If in any case not provided for by section 48 or by the provisions relating to refunds elsewhere contained in this Act the Income-tax Officer is satisfied, upon claim made in this behalf, that tax has been paid by or on behalf of any person with which he was not properly chargeable or which was in excess of the amount with which he was properly chargeable, the Income-tax Officer shall allow a refund to such person of the amount so paid or so paid in excess.

(2) The Assistant Commissioner in the exercise of his appellate powers, or the Commissioner in the exercise of his appellate powers or powers of revision if satisfied to the like effect shall in like manner cause a refund to be made by the Income-tax Officer of any amount found to have been wrongly paid or paid in excess.

(3) Nothing in this section shall operate to validate any objection or appeal which is otherwise invalid or to authorise the revision of any assessment or other matter which has become final and conclusive, or the review by any officer of a decision of his own which is subject to appeal or revision, or where any relief is specifically provided elsewhere in this Act, to entitle any person to any relief other or greater than that relief."

19. After

Indian Income-tax (Second Amendment). [ACT XVIII]

Insertion of
new sections
49A and 49B
in Act XI of
1922.

Power to set off
amount of
refunds against
tax remaining
payable.

Power of re-
presentative
of deceased
person or
person
disabled to
make claim
on his behalf.

Insertion of
new section
50A in Act XI
shall be inserted,
namely:

Appeal against
refusal of
refund.

Amendment of
section 51, Act
XI of 1922.

Amendment of
section 52, Act
XI of 1922.

19. After section 49 of the said Act the following sections shall be inserted, namely:—

“49A. Where under any of the provisions of this Act, a refund is found to be due to any person, the Income-tax Officer, Assistant Commissioner or Commissioner, as the case may be, may, in lieu of payment of the refund, set off the amount to be refunded, or any part of that amount against the tax, if any, remaining payable by the person to whom the refund is due.

49B. Where through death, incapacity, bankruptcy, liquidation or other cause, a person who would but for such cause have been entitled to a refund under any of the provisions of this Act, or to make a claim under section 48 or 48A or 49, is unable to receive such refund or to make such claim, his executor, administrator or other legal representative, or the trustee or receiver, as the case may be, shall be entitled to receive such refund or to make such claim for the benefit of such person or his estate.”

20. After section 50 of the said Act, the following section shall be inserted, namely:—

“50A. (1) Any person objecting to a refusal of an Income-tax Officer to allow a claim to a refund under section 48 or 48A or 49 or to the amount of the refund made in any such case, may appeal to the Assistant Commissioner.

(2) The appeal shall be presented within thirty days of the date on which the refusal of the refund or the amount of the refund allowed was communicated to the appellant.

(3) The appeal shall be made in the prescribed form and shall be verified in the prescribed manner.

(4) The Assistant Commissioner may, after giving the appellant an opportunity of being heard, pass such orders as he thinks fit.”

21. In clause (c) of section 51 of the said Act, after the word and figures “section 19A,” the word and figures “section 20A,” shall be inserted.

22. In section 52 of the said Act, after the words and figures “section 19A or” the words and figures “section 20A or” shall be inserted, and after the word and figures “section 33A” the words and figures “or sub-section (3) of section 50A” shall be inserted.

23. In

or 1933.] Indian Income-tax (Second Amendment)-

23. In the first proviso to sub-section (2) of section 54 of the said Act, after clause (c), the following clause shall be inserted, ^{Amendment of section 54, Act XI of 1922.} namely :—

II of 1899.

“(cc) of any such particulars occasioned by the lawful exercise by a public servant of his powers under the Indian Stamp Act, 1899, to impound an insufficiently stamped document, or”.

24. In section 57 of the said Act, sub-sections (2) and (3) ^{Amendment of section 57, Act XI of 1922.} shall be omitted, and sub-section (4) shall be renumbered as sub-section (2).

25. In section 58 of the said Act,—

(a) in sub-section (1),—

^{Amendment of section 58, Act XI of 1922.}

(i) for the word “except” the words “relating to the charge, assessment, collection and recovery of income-tax except those contained in” shall be substituted, and for the words and figure “the provisos to section 8” the words and figure “the second and third provisos to section 8” shall be substituted,

(ii) the figures “18”, where they occur between the figures “17” and “19”, shall be omitted,

(iii) for the word and figures “and 48” the words, figures and letters “48, 58F and sub-sections (2) and (3) of section 58G” shall be substituted, and

(iv) the proviso shall be omitted; and

(b) in sub-section (2), before the word and figures “section 57” the words, brackets, figures and letters “sub-sections (3A), (3B), (3C) and (3D) of section 18” shall be inserted.

26. In section 58G of the said Act,—

^{Amendment of section 58G, Act XI of 1922.}

(a) sub-sections (1) and (2) shall be re-numbered as sub-sections (2) and (3), and before sub-section (2) as so renumbered the following sub-section shall be inserted, namely :—

“(1) Where the accumulated balance due to an employee participating in a recognised provident fund becomes payable, such accumulated balance shall be exempt from payment of super-tax except to the extent of an amount equal to the aggregate of the amounts of super-tax on annual accretions that would have been payable under section 58E up to the first day of April, 1933, if the Indian Income-tax (Second Amendment) Act, 1933, had come into force on the 15th March, 1930.”;

(b) in

XVIII of 1933.

Indian Income-tax (Second Amendment). [ACR xviii]

(b) in sub-section (2) as now re-numbered, the words "and super-tax" shall be omitted; and

(c) in sub-section (3) as now re-numbered, for the word, brackets and figure "sub-section (1)", the word, brackets and figure "sub-section (2)" shall be substituted.

*Amendment of
section 60,
Act XI of
1922.*

27. In sub-section (2) of section 60 of the said Act, after the words "in advance" the words "or by reason of his having received in any one financial year salary for more than twelve months" shall be inserted.

*Amendment of
section 66,
Act XI of
1922.*

28. In section 66 of the said Act,—

(a) in sub-section (2), after the word and figures "section 32" the words and figures "or of an order under section 33 enhancing an assessment or otherwise prejudicial to him" shall be inserted;

(b) before the existing proviso to sub-section (2) the following proviso shall be inserted, namely:—

"Provided that a reference shall lie from an order under section 33 only on a question of law arising out of that order itself, and not on a question of law arising out of a previous order under section 31 or section 32, revised by the order under section 33:";

(c) in the existing proviso to sub-section (2),—

(i) after the word "Provided" the word "further" shall be inserted,

(ii) after the word "question" the following words shall be inserted, namely:—

"or if the Commissioner rejects the application on the ground that it is time-barred or otherwise incompetent, or if, in exercise of his powers under sub-section (3), the Commissioner refuses to state the case,", and

(iii) after the word "may" the words "within thirty days from the date on which he receives notice of the order passed by the Commissioner" shall be inserted;

(d) after sub-section (3) the following sub-section shall be inserted, namely:—

"(3A) If, on any application being made under sub-section (2), the Commissioner rejects it on the ground that it is time-barred, the assessee may, within two months from the date on which he is served

or 1933.] *Indian Income-tax (Second Amendment).*

served with notice of the order of the Commissioner, apply to the High Court, and the High Court, if it is not satisfied of the correctness of the Commissioner's decision, may require the Commissioner to treat the application as made within the time allowed under sub-section (2)."; and

(e) after sub-section (7) the following sub-section shall be inserted, namely:—

"(7A) Section 5 of the Indian Limitation Act, 1908, shall ^{IX of 1908.} apply to an application to the High Court by an assessee under sub-section (3) or sub-section (3A)."

ACT No. XIX OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 11th September, 1933.)

An Act further to amend the Indian Railways Act, 1890, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Railways Act, 1890, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Railways (Amendment) short title. Act, 1933.
2. After section 51 of the Indian Railways Act, 1890, the following section shall be inserted, namely:—

“51A. (1) Any railway company, not being a company for which the Statute 42 and 43 Vic., Chap. 41, provides, may frame a scheme for the provision and maintenance of a motor transport or air-craft service for passengers, animals or goods with a terminus at or near a station on the railway owned or managed by such company.
(2) The scheme shall be submitted to the Governor General in Council, who, after consultation with the Local Government or Local Governments concerned, may sanction it, subject to such modifications and conditions as he may prescribe.
(3) The scheme shall be published in the Gazette of India and thereupon the railway company shall, subject to sub-section (4), have the power to provide and maintain a service in accordance therewith.
(4) In respect of any service provided and maintained by any railway company under this section,—
(a) the company shall be deemed not to be a railway administration for the purposes of this Act or of any

Insertion of new section 51A in Act IX of 1890.

Additional power to provide and maintain transport services.

any other enactment affecting railways, and no property used exclusively for purposes of the service shall be deemed to be included in the railway or its rolling stock; and

(b) all enactments and rules for the time being in force relating to motor vehicles, air-craft and roads shall apply accordingly.

(5) The Governor General in Council, after consultation with the Local Government or Local Governments concerned, may, by notification in the Gazette of India, after giving to the railway company six months' notice of his intention so to do, withdraw his sanction to any scheme sanctioned under sub-section (2) or may modify the scheme or impose further conditions on it."

ACT No. XX OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 20th September, 1933.)

An Act further to amend the Cotton Textile Industry (Protection) Act, 1930.

WHEREAS it is expedient to continue for a further period the protection already given to the cotton textile industry in British India, and for that purpose further to extend the operation of the duties imposed by the Cotton Textile Industry (Protection) Act, 1930; It is hereby enacted as follows:—

XVII of
1930.

1. This Act may be called the Cotton Textile Industry Protection (Second Amendment) Act, 1933. Short title.
2. In sub-section (2) of section 2, and in sub-section (2) of section 3 of the Cotton Textile Industry (Protection) Act, 1930, for the word and figures "October, 1933" the word and figures "March, 1934" shall be substituted. Amendment of sections 2 and 3, Act XVII of 1930.

XVII of
1930.

Price anna 1 or 1½d.

GIPD—L60LD—4-11-33—4,000.

ACT No. XXI OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 21st September, 1933.)

An Act further to amend the Indian Arbitration Act, 1899, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Arbitration Act, 1899, for the purpose hereinafter appearing; It is hereby enacted as follows:—

IX of 1899. 1. This Act may be called the Indian Arbitration (Amendment) Act, 1933. **Short title.**

IX of 1899. 2. In section 19 of the Indian Arbitration Act, 1899, for Amendment of section 19, the words "the Court", where they first occur, the words "the **Act IX of 1899.** judicial authority before which the proceedings are pending" shall be substituted, and for the said words where they occur for the second time, the words "such authority" shall be substituted.

Price anna 1 or 1½d.

GIPD—L65LD—30-10-33—4,250.

ACT NO. XXII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 21st September, 1933.)

An Act further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose.

WHEREAS it is expedient further to amend the Cantonments (House-Accommodation) Act, 1923, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Cantonments (House-Accommodation Amendment) Act, 1933. Short title.

2. In sub-section (1) of section 15 of the Cantonments (House-Accommodation) Act, 1923 (hereinafter referred to as the said Act), the following proviso shall be added, namely:— Amendment of section 15, Act VI of 1923.

“Provided that where an appeal has been made to the Officer Commanding the District under section 30, the period of thirty days shall be reckoned from the date on which the owner received notice of the result of the appeal under sub-section (2) of section 32.”

3. In sub-section (2) of section 16 of the said Act, the following proviso shall be added, namely:— Amendment of section 16, Act VI of 1923.

“Provided that where an appeal has been made to the Officer Commanding the District under section 30, the period of thirty days shall be reckoned from the date on which the owner received notice of the result of the appeal under sub-section (2) of section 32.”

4. In section 30 of the said Act, for the words “twenty-one days” the words “ten days” shall be substituted. Amendment of section 30, Act VI of 1923.

5. Section 32 of the said Act shall be numbered as sub-section (1) of section 32, and the following sub-section shall be added, namely:— Amendment of section 32, Act VI of 1923.

“(2) Notice of the result of the appeal shall be given to the appellant as soon as may be, and, where the appellant is a tenant of the house, to the owner of the house also.”

Price anna 1 or 1½d.

THE MURSHIDABAD ESTATE ADMINISTRATION ACT, 1933 (XXIII OF 1933).

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27. Effect of withdrawal from entry by Secretary of State.
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Price anna 1 or 1½d.

ACT No. XXIII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 21st September, 1933.)

An Act to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager.

WHEREAS the Murshidabad Act, 1891, confirming and giving effect to an Indenture between the Secretary of State and the Nawab Bahadur of Murshidabad Amir-ul-Omrah, provides that in case the said Nawab Bahadur or any of his lineal heirs male successors to the titles shall contravene any of the terms of the said Indenture or shall disable himself from duly maintaining the dignity of his position and station it shall be lawful for the Secretary of State for the time being to enter into and upon the immoveable properties mentioned in the Indenture and to exercise certain powers therein specified in the manner therein set forth;

AND WHEREAS it is expedient to make further provision for the due exercise of these powers by the Secretary of State by the appointment of a Manager who shall on behalf of the Secretary of State exercise the powers aforesaid, and by defining the duties and powers of such Manager, and the manner in which the rents, issues and profits of the immoveable properties of the estate and the monthly sum of Rs. 19,166-10-8 payable from the Government Treasury at Berhampore in the district of Murshidabad in Bengal shall be applied;

AND WHEREAS it is further expedient to afford to the Nawab Bahadur protection against the disabilities to which he is exposed by reason of his embarrassed circumstances and to prevent further increase in his debts and to provide means for such repayments to his creditors as are compatible with the payment to the Nawab Bahadur of a sum sufficient for the maintenance of his position and dignity;

It is hereby enacted as follows:—

1. (1) This Act may be called the Murshidabad Estate Short title and extent. Administration Act, 1933.

(2) It

(2) It extends to the whole of British India, inclusive of British Baluchistan and the Sonthal Parganas.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

(1) “immoveable properties of the estate” means the properties contained in the Schedules of immoveable property annexed to the Indenture included in and confirmed by the Murshidabad Act, 1891, ^{XV of 1891.}

with any additional immoveable property added thereto under sub-section (1) of section 3 of that Act, and includes all immoveable property acquired under the provisions of section 32 of the Land Acquisition Act, 1894; ^{I of 1894.}

(2) “issues and profits of the immoveable properties of the estate” includes all money awarded under the Land Acquisition Act, 1894, as compensation for the acquisition of any of the immoveable properties of the estate together with interest thereon; ^{I of 1894.}

(3) “Manager” means the officer appointed under section 3;

(4) “Nawab Bahadur” means the Nawab Bahadur of Murshidabad for the time being,

(5) “Local Government” means the Government of Bengal;

(6) “Board of Revenue” means the Board of Revenue, Bengal;

(7) “prescribed” means provided for by this Act or by rules made under section 28.

Appointment of Manager. 3. The Local Government may, at any time after the Secretary of State has entered upon the immoveable properties of the estate in accordance with the provisions of the Murshidabad Act, 1891, by an order published in the Calcutta ^{XV of 1891.} Gazette appoint an officer for the management on behalf of the Secretary of State of the whole or any portion of these properties and of the rents, issues and profits thereof and for the reception and application of the monthly sum of Rs. 19,166-10-8 payable from the Government Treasury at Berhampore in the district of Murshidabad in Bengal:

Provided that the management shall cease from such date as may be notified by the Local Government in the Calcutta Gazette as the date of withdrawal by the Secretary of State from entry upon the immoveable properties of the estate:

Provided

Provided also that in the event of the death of a Nawab Bahadur the management shall not continue for more than sixty days after the date of his death.

4. On the publication of an order for the appointment of a Manager under section 3, ^{Effect of order under section 3.} the following consequences shall ensue:—

first, all proceedings which may then be pending in any Civil Court in respect of any debts or liabilities to which the Nawab Bahadur may be subject shall be barred, and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

secondly, so long as such management continues, no suit or proceeding shall lie against the Nawab Bahadur, or the Secretary of State, or the Manager, in respect of any debt or liability to which the Nawab Bahadur is subject, nor shall the Nawab Bahadur be liable to arrest for or in respect of the debts and liabilities to which he was at the time of such publication subject or in execution of any decree obtained before such publication nor shall his moveable property be liable to attachment or sale, under process of any Court for or in respect of such debts and liabilities;

thirdly, so long as such management continues—

- (a) the Nawab Bahadur shall be incompetent to mortgage, charge, lease, settle or alienate the immoveable properties of the estate, or to grant valid receipts for the rents and profits arising or accruing therefrom;
- (b) such property shall be exempt from attachment or sale under process of any Court; and
- (c) the Nawab Bahadur shall be incapable of entering into any contract which may involve him in pecuniary liability; and

fourthly, any amount awarded, before the entry of the Secretary of State upon the immoveable properties of the estate, under the Land Acquisition Act, 1894, by way of compensation for immoveable properties of the estate acquired under that Act, if the amount has been invested in securities under section 32 of that Act or is deposited in Court

Court pending such investment in land or securities, shall, together with all interest and other proceeds thereof not already paid to any person under the provisions of any law, be deliverable to the Manager on behalf of the Secretary of State to be disposed of in such manner as the Secretary of State may think fit.

Suits and appeals during management.

5. So long as the appointment of the Manager continues—

- (1) in every suit or appeal to which the Secretary of State in possession is a party the Manager shall be named as his representative for the purpose of such suit or appeal;
- (2) in every pending suit or appeal concerning the properties under management the Secretary of State in possession shall be a party in place of the Nawab Bahadur and the Manager shall be named as the representative of the Secretary of State in possession for the purpose of the suit or appeal; and no application in any such suit or appeal shall be made to the Court on behalf of the Secretary of State in possession except by the Manager;
- (3) the Court upon application by the Manager or by any party to the suit may order that the plaint or memorandum of appeal be amended so as to conform with the requirements of clause (1) or that the Manager be named as the representative of the Secretary of State in possession as required by clause (2) of this section.

Manager to receive rents, issues and profits.

6. (1) The Manager shall receive and recover all rents, issues and profits due in respect of the immoveable properties of the estate, and shall upon receiving such rents, issues and profits give receipts therefor.

(2) The Manager shall receive the monthly sum of Rs. 19,166-10-8 payable from the Government Treasury at Berhampore in the district of Murshidabad in Bengal and shall give receipts therefor.

Application by Manager of sums received. 7. (1) From the sums received under sub-sections (1) and (2) of section 6, the Manager shall pay—

first, to the Nawab Bahadur such monthly sum, not being in any case less than Rs. 9,583-5-4, as the Local Government may fix in this behalf;

secondly,

secondly, the Government revenue, cesses, rates and taxes and all debts and liabilities for the time being due or incurred to Government or to any local authority;

thirdly, in the case of property held by the Nawab Bahadur as tenant, the rent and cess due to the superior landlord in respect of the said property;

fourthly, the cost of such repairs and improvements of the immoveable properties of the estate as appear necessary to the Manager and are approved by the Board of Revenue,

and shall apply the residue to the discharge of the costs of the management, to the payment of expenditure incurred in litigation and to the settlement in accordance with the scheme approved by the Board of Revenue under section 14 of such debts and liabilities of the Nawab Bahadur as may be established under the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the Manager to pay out of the sums received under sub-sections (1) and (2) of section 6 any sum required to meet such expenditure on any other object or for any other purpose as the Secretary of State may from time to time sanction.

8. As soon as may be after the publication of the order for the appointment of a Manager under section 3 the Manager shall publish in the prescribed manner a notice in English and Bengali calling upon all persons having claims against the Nawab Bahadur to notify such claims in writing to the Manager within six months from the date of the notice. Notice to claimants.

9. Every such claimant shall, along with his claim, present to the Manager full particulars thereof, together with all documents on which he relies in support thereof, and the Manager may refuse to receive in evidence on the claimant's behalf at the investigation of the claim any document not so presented. Presentation of claims.

10. Every debt or liability, except debts due or liabilities incurred to Government or to any local authority and rent due to a superior landlord from the Nawab Bahadur as tenant of any property, which is not duly notified to the Manager within the time and in the manner mentioned in sections 8 and 9 shall be barred: Debt not duly notified to be barred.

Provided that if the Manager is satisfied that the claimant was for reasonable cause unable to comply with the provisions of sections 8 and 9, the Manager may admit his claim within a further period of six months from the expiration of the period of six months specified in section 8.

Determination
of debts.

11. The Manager shall in the prescribed manner determine the amount of the principal of all debts and liabilities not barred under section 10 justly due to the several creditors of the Nawab Bahadur and to persons holding mortgages, charges or liens on the property of the Nawab Bahadur, and shall determine in like manner the interest, if any, due at the date of such determination in respect of such debts and liabilities and may reduce the rates of interest charged as appears to him just and proper.

Power to
inquire into
consideration
for leases, etc.

12. The Manager may inquire into the sufficiency of the consideration for which any lease, settlement, grant, mortgage, charge or lien was given and whether it was given in contravention of the conditions of the Murshidabad Act, 1891, and if ^{xv of 1891.} satisfied that the consideration was insufficient or that such lease, settlement, grant, mortgage, charge or lien was given in contravention of the said Act may, by order in writing, set aside or modify such lease, settlement, grant, mortgage, charge or lien; and any such order, subject to the appeal provided in section 13, shall have the force of a decree of a competent Civil Court and be enforceable as such.

Appeals to
Board of
Revenue.

13. (1) An appeal shall lie to the Board of Revenue against any order by the Manager—

- (a) refusing to receive a document under section 9; or
- (b) refusing to admit a claim under the proviso to section 10; or
- (c) determining the amount of a debt or liability or of interest thereon, or reducing the rate of interest, under section 11; or
- (d) setting aside or modifying a lease, settlement, grant, mortgage, charge or lien under section 12.

(2) If no such appeal is preferred within six weeks from the date of the order, the decision of the Manager shall, subject to the provisions of section 22, be final.

Scheme for
settlement of
debts.

14. (1) When the amount due in respect of the debts and liabilities mentioned in section 11 has been finally determined, the Manager shall prepare and submit to the Board of Revenue a schedule of such debts and liabilities, and a scheme for the settlement thereof in whole or in part out of the residue referred to in section 7 annually available during the lifetime of the Nawab Bahadur; and the Board of Revenue may approve the scheme without modification or subject to such modification as it deems expedient.

(2) The

(2) The scheme shall provide for payment in full, as soon as may be, of—

- (a) first, arrears of wages due to servants of the Nawab Bahadur, determined in accordance with the foregoing provisions, and
- (b) secondly, claims of each creditor whose claims in the aggregate do not exceed five hundred rupees, as so determined;

and the scheme shall further provide that any balance left after meeting the above claims and each annual residue thereafter shall be distributed ratably among the other creditors of the Nawab Bahadur in payment of their claims, as so determined.

15. The Manager may from time to time call for further ^{Power to call for further particulars.} and more detailed particulars of any claim preferred before him under this Act and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

16. The Manager may for the purpose of any investigation ^{Power to summon witnesses.} under this Act summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and as far as possible in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.

17. Every investigation conducted by the Manager with ^{Investigation to be deemed a judicial proceeding.} reference to any claim preferred before him under this Act, or to any matter connected with such claim, shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code; and every statement made by any person examined by or before the Manager with reference to any such investigation, whether upon oath or otherwise, shall be deemed to be evidence within the meaning of the said Code.

18. (1) The Collector of Murshidabad may on the application of the Manager order all persons who are or were in the employ of the estate of the Nawab Bahadur to attend before him; and may order any person to deliver up any accounts, papers or moveable property belonging to the estate or any accounts or papers relating to the immoveable property of the estate or to any other property of the estate which the Manager has reason to believe are in such person's possession or control; and may order all holders of tenures or under-tenures on any such property to produce their titles to such tenures or under-tenures.

(2) Any person who refuses to comply with an order under sub-section (1) may be punished by the Collector of Murshidabad with fine not exceeding five hundred rupees:

Provided

Provided that an appeal shall lie to the Board of Revenue against any order of fine passed by the Collector under sub-section (2).

Powers of Manager for realisation of rents, etc.

19. (1) The Manager shall have, for the purpose of realising and recovering the rents, issues and profits of the immoveable properties of the estate, the same powers as the Nawab Bahadur would have had for such purpose had the Secretary of State not entered into the said properties, and all arrears of rent and all demands recoverable as rent, and all interest due on such arrears or demands shall together with all costs incurred for realising the same be recoverable as public demands.

(2) If such properties or any part thereof be in the possession of any mortgagee or conditional vendee, the Manager may apply to the Collector within whose jurisdiction the property is situated, and the Collector shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour, but without prejudice to the mortgagee or vendee preferring his claim under the provisions elsewhere contained in this Act.

(3) If such properties or any part thereof be in possession of a Receiver appointed by a Court, the Manager may apply to the Court, and the Court shall cause the same to be delivered to the Manager together with any receipts which may be in the hands of the Receiver or the Court at the time of the application.

Power to lease.

20. The Manager may, subject to the prescribed conditions, make settlement of all or any of the immoveable properties of the estate and may for this purpose execute any lease or counterpart of a lease:

Provided that, unless the settlement is of a kind authorised by rule made under section 28, its terms and conditions shall have been previously approved by the Local Government.

Power of Manager to contract and take action for the benefit of the estate.

21. The Manager may enter into any contract or take any action which in his opinion is necessary for the proper care and management of the immoveable properties of the estate and of the rents, issues and profits thereof or for the maintenance of the position and dignity of the Nawab Bahadur and which is not inconsistent with any provision of this Act or with any rule made under section 28:

Provided that if he is not empowered by any other provision of this Act or by any rule made under section 28 to enter on such contract or to take such action he shall obtain the previous sanction of the Board of Revenue before entering upon the contract or taking the action.

22. (1) All

22. (1) All orders or proceedings of the Manager in the exercise of his functions under this Act shall be subject to the supervision and control of the Board of Revenue.

(2) All orders or proceedings of the Board of Revenue under this Act shall be subject to the supervision and control of the Local Government.

(3) The supervising authority in each case may of its own motion review and if it thinks fit revise, modify or reverse any order or proceeding.

23. The Manager shall be deemed to be a public servant ^{Manager to be deemed a} within the meaning of section 21 of the Indian Penal Code, ^{public servant.}

24. Any fine imposed under this Act shall be recoverable as ^{Recovery of fines.} a public demand.

25. No suit or other legal proceeding shall lie against any ^{Bar of suits etc., against certain persons.} person in respect of anything which is in good faith done or intended to be done under this Act.

26. If at the time of the withdrawal of the Secretary of State from entry upon the immoveable properties of the estate, any difficulty arises in connection with the restoration to the Nawab Bahadur or to his successor of the properties and rights possessed and exercised by the Secretary of State, the Local Government may by order authorise the doing of any matter or thing which appears to it necessary to facilitate such restoration.

27. Notwithstanding anything contained elsewhere in this or any other Act, the withdrawal by the Secretary of State from entry upon the immoveable properties of the estate shall not have the effect of reviving any of the proceedings referred to in clause first of section 4 if the debt or liability in respect of which such proceedings were instituted is barred under section 10.

Nothing in section 4 shall bar the revival after such withdrawal of any other of the proceedings referred to in the said clause:

Provided that no Court shall entertain any suit or proceeding against the Nawab Bahadur in which the amount claimed is in excess of the amount determined under section 11, 13 or 22 as the case may be, together with any further interest due thereon, or in which interest is claimed at a rate higher than the rate determined as just and proper under those sections.

28. (1) The

Power to make
rules.

28. (1) The Board of Revenue may, with the previous sanction of the Local Government, make rules for the purpose of carrying into effect all or any of the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

- (a) the security to be required from subordinate officers under this Act;
- (b) the procedure to be followed by the Manager in the discharge of his functions under this Act, the accounts which shall be kept by him, and the manner in which such accounts shall be audited;
- (c) the terms, conditions and limitations under which leases may be granted;
- (d) the notices to be given under this Act and the manner of publication of such notices;
- (e) the procedure to be followed by claimants in presenting claims, and by the Manager in the investigation of such claims;
- (f) the procedure to be followed in determining under section 11 the debts and liabilities due to creditors and other persons;
- (g) the allowance of interest on the principal of each of the debts and liabilities as determined under section 11 from the date on which it was incurred to the date of the determination and on the aggregate amount of such debts and liabilities from the date of the determination to the date of payment;
- (h) the preparation of the schedule of debts and liabilities and of the scheme referred to in section 14 and the order of payment of such debts and liabilities;
- (i) the powers of the Manager to make or sanction settlements; and
- (j) the procedure to be followed in appeals under this Act.

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT.

THE INDIAN TEA CONTROL
ACT, 1933

(XXIV OF 1933)

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THE INDIAN TEA CONTROL ACT, 1933

(XXIV OF 1933).

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ACT No. XXIV OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 21st September, 1933.)

An Act to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India.

WHEREAS it is expedient to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India; It is hereby enacted as follows:—

PRELIMINARY.

1. (1) This Act may be called the Indian Tea Control Act, Short title, extent, commencement and duration.
1933.

(2) It extends to the whole of British India.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

(4) It shall not remain in force after the 31st day of March, 1938.

2. In this Act, unless there is anything repugnant in the Definitions, subject or context,—

(a) "Committee" means the Indian Tea Licensing Committee constituted under this Act;

(b) "exported overseas" means exported by sea from British India to any place outside India other than the French and Portuguese Settlements bounded by India;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "tea".

(d) "tea" means—

- (i) in Chapter III, the plant *Camellia Thea* (Linn.), and
- (ii) in Chapter II, the commodity known as tea made from the leaves of that plant, and includes green tea leaves but excludes tea waste and Burmese pickled tea; and
- (e) the "Tea Licensing Resolution" means the Resolution of the Government of India published under Finance Department (Central Revenues) Notification No. 30, dated the 20th May, 1933.

CHAPTER I.

THE INDIAN TEA LICENSING COMMITTEE.

Constitution of the Indian Tea Licensing Committee. 3. (1) The Governor General in Council shall constitute a Committee, to be called the Indian Tea Licensing Committee, consisting of the following members:—

- (a) six members, one to be nominated by each of the following bodies, namely,—
 - (i) the Indian Tea Association, Calcutta,
 - (ii) the Assam Branch of that Association,
 - (iii) the Surma Valley Branch of that Association,
 - (iv) the Dooars Planters Association,
 - (v) the Indian Tea Planters Association, Jalpaiguri, and the Terai Indian Planters Association, Terai, acting together, and
 - (vi) the Darjeeling Planters Association and the Terai Planters Association, acting together;
- (b) two members to be nominated by the Local Government of Assam, to represent tea estates owned by Indians in Assam, one for the Assam Valley and the other for the Surma Valley;
- (c) two members to be nominated by the United Planters Association of Southern India, one representing tea estates in British India, and the other representing tea estates in Indian States; and
- (d) one member to be nominated by the Local Government of Madras to represent tea estates owned in Southern India by Indians:

Provided

Provided that any nomination, made in accordance with the above provisions, of any member of the Licensing Committee constituted under the Tea Licensing Resolution, shall be deemed to have been duly made under this Act.

(2) As soon as may be after the commencement of this Act the Governor General in Council shall publish in the Gazette of India the names of all members of the Committee.

4. (1) If any authority or body fails to make within a ~~Vacancies.~~ reasonable time any nomination which it is entitled to make under section 3, the Governor General in Council may himself nominate a member to fill the vacancy.

(2) Where a member of the Committee dies, resigns, ceases to reside in India or becomes incapable of acting, the Governor General in Council may, on the recommendation of the authority or body which is entitled to make the first nomination under section 3, or where such recommendation is not made within a reasonable time, then on his own initiative, nominate a person to fill the vacancy.

(3) No act done by the Committee shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Committee.

5. The Committee shall elect a Chairman from amongst themselves, and may appoint such sub-committees and executive officers as may be necessary for the efficient performance of the duties imposed upon it by this Act:

Chairman, sub-committees and executive officers.

Provided that the Chairman elected and any sub-committee or executive officer appointed by the Licensing Committee constituted under the Tea Licensing Resolution shall be deemed to have been duly elected and appointed under this Act.

6. (1) The Committee may make by-laws consistent with ~~this Act and with the rules made thereunder for all or any of the following matters, namely:—~~ Power to make by-laws.

(a) the regulation of the procedure to be followed at meetings of the Committee;

(b) the appointment of sub-committees;

(c) the delegation to sub-committees, members or officers of the Committee of any of the powers of the Committee under this Act;

(d) the determination of the travelling allowances of the members;

(e) the

- (e) the appointment, promotion and dismissal of officers and servants of the Committee, and the creation and abolition of appointments of such officers and servants;
- (f) the regulation of the grant of pay and leave to such officers and servants; and
- (g) any other matter in respect of which by-laws may be made under this Act or the rules made thereunder.

(2) All by-laws made under this section shall be subject to the previous sanction of the Governor General in Council.

Governor General in Council's power of control.

7. (1) Save in respect of proceedings and orders under section 27, all acts of the Committee shall be subject to the control of the Governor General in Council, who may cancel, suspend or modify as he thinks fit any such act.

(2) The records of the Committee shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Governor General in Council.

Keeping and auditing of accounts.

8. (1) The Committee shall keep accounts of all fees received by it under this Act, and of the manner in which they are expended.

(2) Such accounts shall be examined and audited annually by auditors appointed in this behalf by the Governor General in Council; and such auditors shall have power to disallow any item which has been, in their opinion, expended otherwise than in pursuance of the purposes of this Act.

Dissolution of the Committee.

9. (1) The Governor General in Council may, by notification in the Gazette of India, declare the Committee to be dissolved, and on the date of the publication of such notification the Committee shall stand dissolved and this Act shall be deemed to be repealed.

(2) When the Committee is dissolved, either under this section or by the expiry of this Act, the unexpended balance of fees received by the Committee under this Act shall lapse to Government.

Power to make rules.

10. The Governor General in Council may, by notification in the Gazette of India, make rules—

- (a) providing for the establishment and maintenance of offices by the Committee;
- (b) providing for the conduct of business by the Committee and determining the number of members which shall form a quorum at meetings;
- (c) providing

- (c) providing for the maintenance by the Committee of a record of all business transacted and submission of copies thereof to Government;
- (d) regulating the preparation of annual estimates of receipts and expenditure;
- (e) regulating the keeping of accounts of receipts and expenditure;
- (f) determining the custody in which the current account of the Committee shall be kept, and the bank or banks at which surplus monies at the credit of the Committee may be deposited at interest; and
- (g) generally, to carry out the provisions of this Chapter.

CHAPTER II.

CONTROL OVER THE EXPORT OF TEA.

11. Nothing in this Chapter shall apply to tea—

Limitation of application of Chapter.

- (a) proved to the satisfaction of the Customs Collector to have been imported into British India from any port outside India, or
- (b) shipped as stores on board any vessel, in such quantity as the Customs Collector considers reasonable having regard to the numbers of the crew and passengers and the length of the voyage on which the vessel is about to depart, or
- (c) exported by parcel post.

12. (1) No tea shall be exported overseas unless covered by a licence issued by or on behalf of the Committee.

Method of control of export of tea.

(2) No tea shall be exported by land or sea to any of the French or Portuguese Settlements bounded by India unless covered by a permit issued by or on behalf of the Committee.

13. (1) The Indian Overseas Export Allotment for the financial year 1933-34, that is, the total quantity of tea which may be exported overseas during that year, including tea exported overseas during that year before the commencement of this Act, shall be 320,570,560 pounds avoirdupois.

The Indian Overseas Export Allotment.

(2) The Indian Overseas Export Allotment for succeeding financial years shall be declared by the Governor General in Council by notification in the Gazette of India, after consulting the Committee and paying due regard to all interests concerned.

14. (1) The

**Export quotas
of tea estates.**

14. (1) The export quota of each tea estate for each financial year, that is, the total quantity of tea which may be exported overseas by the owner of the estate during that year, shall be determined by the Committee, in the prescribed manner.

(2) The total of all export quotas for any financial year shall not exceed the Indian Overseas Export Allotment for that year.

**Right to
obtain export
licences.**

15. (1) The owner of a tea estate to which a quota has been allotted for any financial year shall have a right to obtain at any time during that year export licences to cover the export overseas of tea up to the amount of the unexhausted balance of the quota, that is, up to the amount of the quota less the amount for which export licences have already been issued against it:

Provided that the unexhausted balance of any quota at any time during the financial year 1933-34 after the commencement of this Act shall be the amount of the quota less—

- (a) the amount for which export licences have already been issued against the quota under this Act, and
- (b) the amount for which export licences were issued against the quota by the Licensing Committee constituted under the Tea Licensing Resolution, and
- (c) the amount of tea produced on the estate and exported overseas after the 31st day of March, 1933, and before the 26th day of May, 1933.

(2) The right of the owner of a tea estate under this section may be transferred in whole or in part, and subject to proof of the transfer to the satisfaction of the Committee, the transferee shall have a right to obtain export licences up to the amount covered by the transfer or up to the amount of the unexhausted balance of the quota, whichever may be less.

**Grant of export
licences.**

16. (1) The owner of any tea estate to which an overseas export quota has been allotted, or any transferee of his right, may, at any time before the 21st day of March of the financial year to which the quota relates, apply in writing to the Committee for an export licence covering a stated quantity of tea.

(2) If the unexhausted balance of the quota is sufficient to cover the stated quantity, the Committee shall, on receipt of the requisite fee, issue an export licence covering the stated quantity.

(3) Every

(3) Every licence shall be in duplicate in the prescribed form, shall bear the date of its issue, and shall be valid up to the end of the financial year in which it is issued:

Provided that, save as provided in section 17, the Committee shall not date or issue any export licence after the end of the financial year in which the application for it was made.

17. (1) Where the tea covered by an export licence has not been exported overseas before the end of the financial year in which the licence was issued, the person to whom the licence was granted may, before the expiry of the first fourteen days of the following financial year, forward the licence to the Committee and submit therewith an application for a special export licence covering the same quantity of tea, and the Committee shall, on receipt of the requisite fee, if any, issue a special export licence accordingly.

(2) A special export licence shall be in duplicate in the prescribed form, shall bear the date of its issue and shall be valid up to the 30th day of June of the year in which it was issued.

(3) The quantity of tea covered by a special export licence shall be accounted for against the export quota of the year in which the original licence was issued.

18. (1) The Committee shall maintain an account of every export quota, showing, in addition to such other particulars as the Committee may think fit, the licences issued against it and the unexhausted balance:

Provided that for the financial year 1933-34 each account shall show as single items the amounts set off against the quota under clauses (b) and (c) of the proviso to sub-section (1) of section 15.

(2) Any owner of a tea estate shall be entitled, on payment of the requisite fee, to a copy of the account relating to his quota, certified in the manner laid down in the by-laws.

19. (1) No consignment of tea shall be shipped or waterborne to be shipped for export overseas until the owner has delivered to the Customs Collector a valid export licence or special export licence in duplicate covering the quantity to be shipped.

(2) No consignment of tea shall be shipped or waterborne to be shipped for export to any of the French or Portuguese Settlements bounded by India until the owner has delivered to the Customs Collector a permit granted in this behalf by the Committee covering the quantity to be shipped.

(3) No permit for the passage of any tea by land into any of the French or Portuguese Settlements bounded by India shall be

Special export
licences.

Committee to
maintain
accounts of
quotas.

Tea for export
to be covered
by licence or
permit.

be granted under sub-section (1) of section 5 of the Land Customs Act, 1924, unless the application for such permit is accompanied by a permit granted in this behalf by the Committee covering the quantity to be passed.

Power of Committee to call for returns.

20. (1) The Committee may serve by post a notice upon the owner of any tea estate, or upon his agent or manager, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the production, sale and export of tea produced on the estate as it may deem necessary to enable it to discharge its duties under this Chapter.

(2) Where any return required under sub-section (1) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to allot a quota to that estate under section 14, or, where a quota has already been allotted, may cancel the unexhausted balance of that quota and refuse to issue any further export licences under section 16 against that quota.

Fees.

21. (1) The Committee may charge and collect the following fees, namely:—

(a) a licence fee for every export licence or special export licence issued by it, at such rates, not exceeding eight annas per thousand pounds of tea covered by the licence, as the Governor General in Council may, by notification in the Gazette of India, fix in this behalf; and

(b) copying fees for certified copies of accounts of quotus, at the rate of one rupee per copy:

Provided that the owner of any tea estate to which a quota has been allotted under section 14 may make a consolidated payment of export licence fees at the rate fixed under clause (a) to cover the whole of the quota.

(2) The Committee shall apply the fees collected by it under this section to the meeting of expenses incurred by it in pursuance of the purposes of this Act and, with the previous sanction of the Governor General in Council, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in tea producing countries generally.

Validation of certain acts already done.

22. (1) All licences for the export of tea overseas, all licences for the export of tea to the French and Portuguese Settlements bounded by India, and all quotas issued or fixed by the Licensing

Committee

Committee constituted under the Tea Licensing Resolution shall be deemed to be licences, permits and quotas respectively, issued or fixed under this Act.

(2) All transfers of the right to obtain export licences from the said Licensing Committee shall be valid as if they had been made under this Act.

23. The Governor General in Council may, by notification ^{Power to make rules.} in the Gazette of India, make rules—

- (a) prescribing the manner in which the export quotas of tea estates shall be determined;
- (b) regulating the grant of permits for the export of tea to the French and Portuguese Settlements;
- (c) prescribing the form of export licences, special export licences and permits; and
- (d) generally, to carry out the purposes of this Chapter.

24. No quota fixed and no order granting or refusing to grant any licence or permit under this Chapter shall be called in question in any Court. ^{Bar of jurisdiction.}

CHAPTER III.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

25. So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March, 1933, save in pursuance of a written permission granted by or on behalf of the Committee. ^{Method of control of extension of tea cultivation}

Explanation.—Land which had been planted with tea at any time during the period of two years before the 31st day of March, 1933, but, in accordance with agricultural practice on tea estates, was lying fallow on that date, shall be deemed to have been planted with tea on the 31st day of March, 1933.

26. (1) The total area of land in British India in respect of which the permissions referred to in section 25 may be granted shall not exceed 4,000 acres: ^{Limits to the extension of tea cultivation.}

Provided that the Governor General in Council may deduct from the said 4,000 acres the whole or any part of the increase in the area planted with tea in British India which may have occurred between the 31st day of March, 1933, and the commencement of this Act.

(2) The total area of land in any province in respect of which such permissions may be granted shall be determined by the Governor General in Council, and shall be, as near as may be and

and subject to the above limit for the whole of British India, one-half of one per centum of the total area in the province which was planted with tea on the 31st day of March, 1933.

(3) The Governor General in Council shall publish the total areas so allotted to the various provinces, by notification in the Gazette of India, as soon as may be after the commencement of this Act.

Grant of permission to plant tea.

27. (1) Applications for permission to plant tea on any land for the first time shall be made to the Committee, not later than one month after the commencement of this Act, and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the limits laid down in section 26, the Committee may grant or refuse the permission applied for, or may grant it in part only, or may call for further information from the applicant.

(3) No order by the Committee under sub-section (2) shall be called in question in any Court.

Appeal to Local Government.

28. (1) Any applicant aggrieved by any order of the Committee under section 27 may appeal to the Local Government within sixty days from the date thereof, and the Local Government may on such appeal cancel, modify or suspend any order of the Committee under that section.

(2) The records of the Committee relating to proceedings under this Chapter shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Local Government.

Power of Committee to call for returns and to inspect estates.

29. (1) The Committee may serve by post a notice upon the owner of any tea estate, or upon his agent or manager, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the cultivation of tea on the estate as it may deem necessary to enable it to discharge its duties under this Chapter.

(2) Any member of the Committee and any officer of the Committee authorised by it in this behalf may, at any reasonable time, enter upon and inspect the lands of any tea estate, and may require the owner of the estate, or his agent or manager, to produce for inspection any records of the estate in his control or custody relating to the cultivation of tea on the estate.

(3) Where any return required under sub-section (1) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to grant any permission under section 27 to plant tea on that estate.

CHAPTER IV.

CHAPTER IV.

PENALTIES AND PROCEDURE.

30. A breach of the provisions of sub-section (1) or sub-section (2) of section 19 shall be punishable as if it were an offence under Item No. 8 of section 167 of the Sea Customs VIII of 1878. Act, 1878, and the provisions of section 168 and of Chapter XVII of that Act shall apply accordingly.

31. Any owner of a tea estate, or his agent or manager, who has furnished any return under sub-section (1) of section 20 or under sub-section (1) of section 29 containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

32. Whoever obstructs any member or officer of the Committee while such member or officer is entering upon or inspecting the lands of any tea estate under sub-section (2) of section 29, and whoever, having control over or custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by a member or officer of the Committee under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

33. Whoever plants or causes to be planted tea in any land in contravention of section 25 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

34. Where any person has been convicted of an offence under section 33, the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a prescribed time, and in the event of the order not being duly complied with, may cause the tea to be removed and recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

35. (1) No Magistrate other than a Magistrate of the first class shall take cognisance of an offence under section 31, section 32 or section 33, and such Magistrate may take cognisance of such an offence only upon complaint made by a person authorised by the Committee in this behalf, and with the previous sanction of the Local Government.

(2) The Committee shall be responsible for the conduct of all prosecutions of offences under section 31, section 32 and section 33.

ACT No. XXV OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 21st September, 1933.)

An Act further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

WHEREAS an International Convention for the Safety of Life at Sea was signed in London on the 31st day of May, 1929, for promoting safety of life at sea by establishing in common agreement uniform principles and rules directed thereto;

AND WHEREAS an International Load Line Convention was signed in London on the 5th day of July, 1930, for promoting safety of life and property at sea by establishing in common agreement uniform principles and rules with regard to the limits to which ships on international voyages may be loaded;

AND WHEREAS the Government of India by its representatives was a signatory to the said Conventions;

AND WHEREAS in order to give effect to the said Conventions and in order in certain other respects to make better provision for Merchant Shipping it is expedient to amend the Indian Merchant Shipping Act, 1923, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Merchant Shipping (Second Amendment) Act, 1933.

Short title and
commencement.

(2) This section shall come into force at once: the rest of this Act or any section thereof shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

2. In section 2 of the Indian Merchant Shipping Act, 1923 (hereinafter referred to as the said Act),—

Amendment of
section 2, Act
XXI of 1923.

(a) in clause (5), for the figures "1894—1921" the figures "1894—1932" shall be substituted;

(b) in

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Indian Merchant Shipping (Second Amendment). [ACT XXV]

(b) in clause (6), after the word "servants" the following words shall be added, namely:—

"", but does not include any persons on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance which neither the master nor the owner could have prevented or forestalled";

(c) after clause (6), the following clause shall be inserted, namely:—

"(6A) 'passenger steamer' means a steamship carrying more than twelve passengers;".

Amendment of section 90, Act XXI of 1923. 3. For sub-section (1) of section 90 of the said Act, the following sub-section shall be substituted, namely:—

"(1) Every place in a British ship which is occupied by seamen or apprentices engaged under this Act and appropriated for their use shall have for each seaman or apprentice a space of not less than twelve superficial feet and not less than seventy-two cubic feet."

Amendment of section 121, Act XXI of 1923. 4. In section 121 of the said Act, after clause (xiii) the following clauses shall be added, namely:—

"(xiv) the times of closing and opening the hinged doors, portable plates, side scuttles, gangway cargo and coaling ports and other openings which are required by any rules made under this Act to be kept closed during navigation;

(xv) a record of all drills and inspections required by any rules made under this Act with an explicit record of any defects disclosed; and, if boat-drill is not practised on board the ship in any week, the reasons why boat-drill was not practised in that week."

Amendment of section 134, Act XXI of 1923. 5. In section 134 of the said Act,—

(a) in clause (b), after the word "equipments" the brackets and words "(including life-saving appliances and wireless telegraphy installation)", and after the word "engine-driver" the words "and of the wireless telegraphy operators and watchers" shall be inserted; and

(b) for

of 1933.] *Indian Merchant Shipping (Second Amendment).*

(b) for clause (d) the following clause shall be substituted, namely:—

“(d) the voyages or class of voyages on which, as regards construction, machinery and equipments, the steamship is in the surveyor's judgment fit to ply;”.

6. In section 139 of the said Act, the word “or” at the end of clause (b), and the whole of clause (c) shall be omitted. Amendment of section 139, Act XXI of 1923.

7. After section 139 of the said Act the following section shall be inserted, namely:— Insertion of new section 139A in Act XXI of 1923.

“139A. (1) The owner or master of a steamship in respect of which a certificate of survey has been granted under this Part, shall, as soon as possible after any alteration is made in the steamship's hull, equipments or machinery which affects the efficiency thereof or the sea-worthiness of the steamship, give written notice to such person as the Governor General in Council may direct containing full particulars of the alteration. Alterations in steamships subsequent to grant of certificate of survey, and additional surveys.

(2) If the owner or master of a steamship, without reasonable cause, neglects to give the notice required by this section, he shall be liable to a fine which may extend to five hundred rupees.

(3) If the Governor General in Council has reason to believe that since the making of the last declaration of survey in respect of a steamship—

(a) any such alteration as aforesaid has been made in the hull, equipments or machinery of the steamship; or

(b) the hull, equipments or machinery of the steamship have sustained any injury or are otherwise insufficient,

the Governor General in Council may require the steamship to be again surveyed to such extent as he may think fit, and, if such requirement is not complied with, may cancel any certificate of survey issued under this Part in respect of the said steamship.”

8. After section 143 of the said Act the following section shall be inserted, namely:— Insertion of new section 143A in Act XXI of 1923.

“143A. (1) No steamship for which a certificate of survey is required by this Part shall carry as ballast or as cargo any goods which by reason of their nature, quantity

quantity or mode of stowage are either singly or collectively liable to endanger the lives of the passengers or the safety of the ship.

(2) The Governor General in Council may, subject to the condition of previous publication, make rules determining what goods are to be considered dangerous goods and prescribing the precautions which must be taken in the package and stowage thereof.

(3) If goods are carried in any steamship in contravention of the provisions of this section or of the rules made thereunder, the owner or master shall for each offence be liable to a fine which may extend to three thousand rupees and the steamship shall be deemed for the purpose of section 282 to be unsafe by reason of improper loading."

*Amendment of
section 144,
Act XXI of
1923.*

9. In section 144 of the said Act,—

(a) in sub-section (1), the words "attested by a British Consular Officer at the port where the survey was made" shall be omitted; and

(b) in sub-section (2), the words "and duly attested by the British Consular Officer at that port" shall be omitted.

*Amendment
of section 145,
Act XXI of
1923.*

10. After clause (a) of sub-section (2) of section 145 of the said Act the following clause shall be inserted, namely:—

"(aa) declare the requirements as to construction, machinery, equipments (including life-saving appliances and wireless telegraphy installation) and marking of subdivision load lines, which are to be fulfilled before a declaration of survey may be granted;".

*Insertion of
new section
145A in Act
XXI of 1923.*

*Power of
Governor
General in
Council to
make rules as
to safety of
life.*

11. After section 145 of the said Act the following section shall be inserted, namely:—

"145A. (1) The Governor General in Council may, subject to the condition of previous publication, make rules in respect of steamships for which a certificate of survey is required by this Part, regulating the provisions to be made for the safety of life at sea.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may regulate—

(a) the control of hinged doors, portable plates, side scuttles, gangway cargo and coaling ports and other openings;

(b) the

of 1933.] *Indian Merchant Shipping (Second Amendment).*

- (b) the methods to be adopted and the appliances to be carried for the prevention, detection and extinction of fire;
- (c) the provision of means of making signals of distress and the supply of lights inextinguishable in water and fitted for attachment to life-buoys;
- (d) the provision of boats, life-boats, life-rafts and buoyant apparatus, their equipment, and the specifications with which they shall comply, and the marking of these so as to show the dimensions thereof and the number of persons that may be carried thereon;
- (e) the manning of boats and life-boats and the qualifications and certificates of life-boat men;
- (f) the provision to be made for mustering the passengers and crew and for embarking them in the boats and life-boats (including provision as to the lighting of, and as to the means of ingress to, and egress from, different parts of the ship);
- (g) the practising of boat drills; and
- (h) the assignment of specific duties to each member of the crew in the event of an emergency.

(3) In making a rule under this section the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues."

12. In Part IV of the said Act, in the headings and elsewhere wherever the expressions occur, for the expressions "native passenger", "native passengers", "native passenger ship" and "native passenger ships", respectively, the expressions "unberthed passenger", "unberthed passengers", "unberthed passenger ship" and "unberthed passenger ships", shall be substituted.

13. In section 147 of the said Act,—

(a) in sub-section (2),—

(i) for clause (a) the following clause shall be substituted, namely:—

"(a) to any steamship not carrying more than sixty unberthed passengers;," and

(ii) for

Indian Merchant Shipping (Second Amendment). [ACT XXV

(ii) for clause (b) the following clause shall be substituted, namely :—

“(b) to any ship not intended to carry unberthed passengers to or from any port in British India; or”; and

(b) in sub-section (3), for the words “carrying as passengers more than fifteen natives of Asia or Africa” the words “carrying more than fifteen unberthed passengers” shall be substituted, and for the words “carrying as passengers more than thirty such persons” the words “carrying more than thirty such passengers” shall be substituted.

*Amendment of
section 149,
Act XXI of
1928.*

14. For clause (1) of section 149 of the said Act the following clause shall be substituted, namely :—

“(1) ‘unberthed passenger’ means a passenger of the age of twelve years or upwards for whom no separate accommodation in any cabin, State room or saloon is reserved; but it does not include either a passenger in attendance on a person who is not an unberthed passenger or a child under one year of age; and, in the computation of passengers for any of the purposes of this Part, two persons of the age of one year or upwards and under the age of twelve years shall be reckoned as one unberthed passenger.”.

*Amendment of
section 155,
Act XXI of
1928.*

15. In section 155 of the said Act,—

(a) in clause (e), for the words “propelled principally by steam” the words “propelled principally by machinery” shall be substituted; and

(b) in clause (g), for the words “propelled principally by steam” the words “propelled principally by machinery” shall be substituted, and for the words “steam power” the word “power” shall be substituted.

*Amendment of
section 160.
Act XXI of
1928.*

16. In sub-section (1) of section 160 of the said Act, for the words “unless he is satisfied that the ship has not” the words “if he has reason to believe that the ship has” shall be substituted.

*Amendment of
section 177,
Act XXI of
1928.*

17. To the proviso to section 177 of the said Act the following words shall be added, namely :—

“but shall obtain from the certifying officer an endorsement on the certificate B showing the number of passengers taken on board, and the number of passengers discharged, at that port or place.”

*Amendment of
section 179,
Act XXI of
1928.*

18. In sub-section (2) of section 179 of the said Act, for the word “steam”, in both places where it occurs, the word “machinery” shall be substituted.

19. In

of 1933.] *Indian Merchant Shipping (Second Amendment).*

19. In sub-section (1) of section 183 of the said Act, for the word "steam" the word "machinery" shall be substituted. Amendment of section 183, Act XXI of 1923.

20. In sub-section (1) of section 184 of the said Act, the words "from or to any port in British India to or from any port in the Red Sea" shall be omitted. Amendment of section 184, Act XXI of 1923.

21. In sub-section (1) of section 200 of the said Act, for the words "propelled principally by steam" the words "propelled principally by machinery" shall be substituted, and for the words "steam-power" the word "power" shall be substituted. Amendment of section 200, Act XXI of 1923.

22. In clause (l) of sub-section (1) of section 213 of the said Act, for the words "steam-power" the word "power" shall be substituted. Amendment of section 213, Act XXI of 1923.

23. In Part V of the said Act, after the main heading "SAFETY" and before the heading "Prevention of Collisions" preceding section 214, the following section shall be inserted, namely:— Insertion of new section 213A in Act XXI of 1923.

"213A. In this Part the expressions 'Country to which the International Convention respecting Load Lines, 1930, applies' and 'Country to which the International Convention for the Safety of Life at Sea, 1929, applies', mean—

(i) a country which has been declared by Order in Council made by His Majesty under section 65 or section 37 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, to have ratified or acceded to the Convention specified in the expression and has not been so declared to have denounced the Convention;

(ii) any colony or overseas territory of, or any protectorate or territory under suzerainty or mandate of a country so declared, in respect of which a declaration under the said section of the said Act has been made that the Convention specified in the expression has been applied to such colony, territory or protectorate, and no declaration has been made that the said Convention has ceased to apply."

24. After section 216 of the said Act, the following heading and sections shall be inserted, namely:— Insertion of new sections 216A and 216B in Act XXI of 1923.

"Life-saving Appliances.

216A. (1) The Governor General in Council may, subject to the condition of previous publication, make rules prescribing Power of Governor General in Council to make rules as to life-saving appliances.

prescribing the life-saving appliances to be carried by every British ship going to sea from any port in British India.

(2) In making a rule under this section, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

Inspection of provision of life-saving appliances.

216B. (1) A surveyor appointed under section 129 of this Act may, at any reasonable time, inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with the rules made under this Act.

(2) If the said surveyor finds that the ship is not so provided he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(3) Every notice so given shall be communicated in the manner directed by the Governor General in Council to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance, and the ship shall be detained until a certificate signed by such surveyor is produced to the effect that the ship is properly provided with life-saving appliances in conformity with the said rules.

(4) Such fees may be charged for the grant of the certificate referred to in sub-section (3) as the Governor General in Council may prescribe."

Substitution of new sections 217—224M for sections 217—224 for sections 217—224M and for those sections the following headings and sections shall 224, Act XXI be substituted, namely:— of 1923.

'Load Lines.'

Operation of provisions relating to load lines. 217. (1) Sections 218 to 224M inclusive (hereinafter referred to as 'the provisions of this Part relating to load lines') shall have effect only from such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

(2) Notwithstanding the provisions of sub-section (1) the power to make rules conferred by section 219 and by sub-section (1) of section 224M may be exercised, and a load-line certificate may

may be issued in accordance with the rules made under section 219, at any time before such appointed date as if the provisions of this Part relating to load lines were already in force; and where a load-line certificate is so issued in respect of any ship, or where before such appointed date a certificate granted under section 223 of this Act as in force prior to its amendment by the **XXV of 1933.** Indian Merchant Shipping (Second Amendment) Act, 1933, ceases to be in force in respect of any ship, the provisions of this Part relating to load lines shall be deemed to have come into force with respect to such ship as from the date on which the said load-line certificate is issued or the said certificate granted under section 223 ceases to be in force, as the case may be.

218. (1) The provisions of this Part relating to load lines ships exempt from provisions relating to load lines. shall not apply to—

- (i) any sailing ship of less than 150 tons gross tonnage employed in plying coastwise between ports situated in India and Ceylon;
- (ii) any ship solely engaged in fishing;
- (iii) any pleasure yacht.

(2) The Governor General in Council may, on such conditions as he may think fit, exempt from the provisions of this Part relating to load lines—

- (i) any ship plying between the near neighbouring ports of two or more countries if the Governor General in Council and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply to ships so plying the provisions of this Part relating to load lines;
- (ii) any ship plying between near neighbouring ports of the same country if the Governor General in Council is satisfied as aforesaid;
- (iii) wooden ships of primitive build if the Governor General in Council considers that it would be unreasonable or impracticable to apply the said provisions to them;
- (iv) any class of steamships of less than 150 tons gross tonnage which are employed in plying coastwise between ports situated in India and Ceylon and do not carry cargo.

219. The

Power of
Governor
General in
Council to
make rules as
to load lines.

219. The Governor General in Council may, subject to the condition of previous publication, make rules (hereafter in this Act referred to as 'the load-line rules') regulating the survey of ships for the purpose of assignment and marking of load lines and prescribing the conditions (hereafter in this Act referred to as 'the conditions of assignment') on which load lines may be assigned.

Marking of
deck line and
load lines.

220. (1) No British ship registered in British India, being a ship of which the keel was laid after the 30th day of June, 1932, and not being exempt from the provisions of this Part relating to load lines, shall proceed to sea unless—

- (i) the ship has been surveyed in accordance with the load-line rules;
- (ii) the ship complies with the conditions of assignment;
- (iii) the ship is marked on each side with a mark (hereafter in this Act referred to as a 'deck line') indicating the position of the uppermost complete deck as defined by the load-line rules, and with marks (hereafter in this Act referred to as 'load lines') indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the load-line rules;
- (iv) the deck line and load lines are of the description required by the load-line rules, the deck line is in the position required by those rules, and the load lines are of the number required by such of those rules as are applicable to the ship; and
- (v) the load lines are in the position required by such of the load-line rules as are applicable to the ship.

(2) No British ship registered in British India, being a ship of which the keel was laid before the first day of July, 1932, and not being exempt from the provisions of this Part relating to load lines, shall proceed to sea unless—

- (i) the ship has been surveyed and marked in accordance with clauses (i), (iii) and (iv) of sub-section (1);
- (ii) the ship complies with the conditions of assignment in principle and also in detail so far as, in the opinion of the Governor General in Council, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section; and

(iii) the

(iii) the load lines are either in the position required by clause (v) of sub-section (l) or in the position required by the tables used by the Board of Trade on the 31st day of December, 1906, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof as were in force immediately before the 5th day of July, 1930.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof shall for each offence be liable to a fine which may extend to one thousand rupees.

(4) Any ship attempting to proceed to sea without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section 232.

221. (1) A British ship registered in British India (not being exempt from the provisions of this Part relating to load lines) shall not be so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded. Submersion of
load line.

(2) If any such ship is loaded in contravention of this section, the owner or master of the ship shall for each offence be liable to a fine which may extend to one thousand rupees and to such additional fine, not exceeding the amount hereinafter specified, as the Court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(3) The said additional fine shall not exceed one thousand rupees for every inch or fraction of an inch by which the appropriate load line on each side of the ship was submerged, or would have been submerged if the ship had been in salt water and had had no list.

(4) In any proceedings against an owner or master for a contravention of this section, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(5) Without

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(5) Without prejudice to any proceedings under the foregoing provisions of this section, any ship which is loaded in contravention of this section may be detained until she ceases to be so loaded.

Offences in relation to marks.

222. If—

- (i) the owner or master of a British ship registered in British India, which has been marked in accordance with the foregoing provisions of this Part, fails without reasonable cause to keep the ship so marked, or
- (ii) any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any such ship in accordance with the foregoing provisions of this Part, except with the authority of a person entitled under the load-line rules to authorise the alteration of the mark or except for the purpose of escaping capture by an enemy,

he shall for each offence be liable to a fine which may extend to one thousand rupees.

Inspection of ships with respect to load lines.

223. A surveyor authorised in this behalf by the Governor General in Council may inspect any British ship registered in British India for the purpose of seeing that the provisions of this Part relating to load lines have been complied with and for this purpose may go on board the ship at all reasonable times and do all things necessary for the proper inspection of the ship and may also require the master of the ship to supply him with any information which it is in the power of the master to supply for that purpose, including the production of any certificate granted under this Part in respect of the ship.

Certificates.

Issue of load-line certificates and effect thereof.

224. (1) Where a British ship registered in British India has been surveyed and marked in accordance with the foregoing provisions of this Part and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fee—

- (i) in the case of a ship of 150 tons gross tonnage or upwards which carries cargo or passengers, a certificate to be called 'an international load-line certificate'; and

(ii) in

(ii) in the case of any other ship, a certificate to be called 'a British India load-line certificate'.

(2) Every such certificate shall be issued either by the Governor General in Council or by such other person as may be authorised in that behalf by the Governor General in Council and shall be issued in such form and manner as may be prescribed by the load-line rules.

(3) The Governor General in Council may request the Government of a country to which the International Convention respecting Load Lines, 1930, applies, to issue a load-line certificate in the form of an international load-line certificate under that Convention in respect of a British ship registered in British India, and a certificate issued in pursuance of such a request containing a statement that it has been so issued shall have effect for the purposes of this Part as if it had been issued by the Governor General in Council.

(4) Where a load-line certificate, issued in pursuance of this section and for the time being in force, is produced in respect of a ship, the ship shall, for the purposes of the foregoing provisions of this Part, be deemed to have been surveyed as required by those provisions, and, if the deck line and load lines on the ship are of the number and description required by the load-line rules and the position of the deck line and load lines corresponds with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

224A. (1) Every load-line certificate issued by or under the authority of the Governor General in Council shall, unless it is renewed in accordance with the provisions of sub-section (2), expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

Duration,
renewal and
cancellation of
certificates.

(2) Any such load-line certificate may, after a survey not less effective than the survey required by the load-line rules before the issue of the certificate, be renewed from time to time by the Governor General in Council or by any person authorised by the Governor General in Council to issue a load-line certificate, for such period (not exceeding five years on any occasion) as the Governor General in Council or the person renewing the certificate thinks fit.

(3) The Governor General in Council shall cancel any such load-line certificate in force in respect of a ship if he has reason to believe that—

(i) material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines; or

(ii) the

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(ii) the fittings and appliances for the protection of openings, the guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(4) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the prescribed manner once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should, having regard to sub-section (3), remain in force, and if the ship is not so surveyed, the Governor General in Council shall cancel the certificate:

Provided that the Governor General in Council, if he thinks fit in any particular case, may extend the said period of one year.

(5) Where any such load-line certificate has expired or been cancelled, the Governor General in Council may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs, and the ship may be detained until such requirement has been complied with, and if the owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine which may extend to one hundred rupees.

(6) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed.

~~Ships not to proceed to sea without certiicate.~~ 224B. (1) No British ship registered in British India shall proceed to sea unless there is in force in respect of the ship a load-line certificate issued under the provisions of section 224.

(2) The master of every British ship registered in British India shall produce to the officer of Customs, from whom a port clearance for the ship is demanded, the certificate which is required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the port clearance shall not be granted, and the ship may be detained, until that certificate is so produced.

(3) The master of any ship which proceeds or attempts to proceed to sea in contravention of this section shall for each offence be liable to a fine which may extend to one thousand rupees.

224C. (1) When

224C. (1) When a load-line certificate has been issued in pursuance of the foregoing provisions of this Part in respect of a British ship registered in British India other than a home-trade ship not exceeding 300 tons burden—

Publication of
load-line certi-
ficate and par-
ticulars relat-
ing to depth
of loading.

- (i) the owner of the ship shall forthwith on the receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use; and
- (ii) the master of the ship, before making any other entry in any official log-book, shall enter or cause to be entered therein the particulars as to the position of the deck line and load lines specified in the certificate.

(2) Before any such ship leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master thereof shall—

- (i) enter or cause to be entered in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as the Governor General in Council may by rules made in this behalf prescribe; and
- (ii) cause a notice, in such form and containing such of the said particulars as may be required by the said rules, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place:

Provided that the Governor General in Council may by the said rules exempt home-trade ships or any class of home-trade ships from the requirements of clause (ii) of this sub-section.

(3) If the master or owner of any British ship registered in British India fails to comply with the provisions of this section, he shall for each offence be liable to a fine which may extend to two hundred rupees.

224D. (1) Before an agreement with the crew of any British ship registered in British India, in respect of which a load-line certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck line and load lines specified

Insertion of
particulars as
to load lines in
agreements
with crew.

in the certificate, and if he fails to do so, he shall for each offence be liable to a fine which may extend to two hundred rupees.

(2) In the case of a British ship registered in British India, being a foreign-going ship, the shipping master shall not proceed with the engagement of the crew until—

- (i) there is produced to him a load-line certificate for the time being in force in respect of the ship; and
- (ii) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

Special provisions as to ships not registered in British India.

Load-line certificates of ships not registered in British India. 224E. (1) The Governor General in Council may, at the request of a country to which the International Convention respecting Load Lines, 1930, applies, issue an international load-line certificate in respect of a ship of that country if he is satisfied in like manner as in the case of a British ship registered in British India that he can properly issue the certificate, and where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(2) With a view to determining the validity in British India of certificates purporting to have been issued in accordance with the International Convention respecting Load Lines, 1930, in respect of ships not registered in British India, the Governor General in Council shall make such rules as appear to him to be necessary, and for the purpose of the provisions hereafter contained in this Part relating to ships not registered in British India, the expression 'a valid international load-line certificate' means a certificate complying with such of those rules as are applicable in the circumstances.

Inspection and control of ships not registered in British India. 224F. (1) A surveyor authorised in this behalf by the Governor General in Council may, at any reasonable time, go on board any ship not registered in British India being a ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, when such ship is within any port in British India, for the purpose of demanding the production of any load-line certificate for the time being in force in respect of the ship.

(2) If a valid international load-line certificate is produced to the surveyor on any such demand, the surveyor's powers of inspecting

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inspecting the ship with respect to load line shall be limited to seeing—

- (i) that the ship is not loaded beyond the limits allowed by the certificate;
- (ii) that the position of the load lines on the ship corresponds with the position specified in the certificate;
- (iii) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines;
- (iv) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(3) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and the provisions of section 238 shall apply.

(4) If it is found on any such inspection that the load lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(5) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in clauses (iii) and (iv) of sub-section (2) that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose of section 232 (in the case of a British ship) or for the purpose of section 238 (in the case of a foreign ship):

Provided that where the ship has been detained under either of the last-mentioned sections, the Governor General in Council shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

(6) If a valid international load-line certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship,

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for the purpose of seeing that the provisions of this Part relating to load lines have been complied with, as if the ship were a British ship registered in British India.

(7) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the International Convention respecting Load Lines, 1930, to be loaded.

**Certificate of
ship not
registered in
British India
to be produced
to Customs.** 224G. The master of every ship not registered in British India being a ship of 150 tons gross tonnage or upwards carrying cargo or passengers, and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, shall produce to the officer of Customs from whom a port clearance for the ship from any port in British India is demanded—

- (i) in a case where port clearance is demanded in respect of a voyage to a port or place outside British India, a valid international load-line certificate;
- (ii) in a case where port clearance is demanded in respect of any other voyage, either a valid international load-line certificate or a valid British India load-line certificate;

and the port clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

**Marking of
deck line and
load lines of
ships not
registered in
British India.**

224H. The provisions of section 220 shall apply to ships not registered in British India proceeding or attempting to proceed to sea from ports in British India as they apply to British ships registered in British India subject to the following modifications, namely:—

- (i) the said section shall not apply to a ship not registered in British India if a valid international load-line certificate is produced in respect of the ship; and
- (ii) subject to the provisions of clause (i) of this section a foreign ship which does not comply with the conditions of assignment to the extent required in her case by the said section 220 shall be deemed to be unsafe for the purpose of section 238.

224I. The

224I. The provisions of section 221 shall apply to ships not registered in British India, while they are within any port in British India as they apply to ships registered in British India subject to the following modifications, namely:—

(i) no ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load-Lines, 1930, applies, shall be detained and no proceedings shall be taken against the owner or master thereof by virtue of the said section except after an inspection by a surveyor as provided by section 224F; and

(ii) the expression ‘the appropriate load line’ in relation to any ship not registered in British India shall mean—

(a) in the case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load-line certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the International Convention respecting Load Lines, 1930, to be loaded;

(b) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load-line rules to be loaded, or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

224J. The provisions of section 223 shall apply, in the same manner as they apply to British ships registered in British India, to all other ships while they are within any port in British India, except ships to which the provisions of section 224F apply.

224K. (1) The provisions of this Part relating to the issue, effect, duration, renewal and cancellation of British India load-line certificates shall apply to ships not registered in British India as they apply to British ships registered in British India subject to the following modifications, namely:—

(i) any such certificate may be issued in respect of any such ship as in respect of a ship registered in British India, provided that any such certificate issued in respect of a ship of 150 tons gross tonnage and upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load Lines, 1930, applies,

shall

Submersion of
load line of
ships not re-
gistered in
British India.

Inspection of
ships not
registered in
British India.

Load-line
certificates
of ships
not registered
in British
India.

shall only be valid so long as the ship is not plying on voyages from or to any place in British India to or from any place outside British India and shall be endorsed with a statement to that effect and shall be cancelled by the Governor General in Council if he has reason to believe that the ship is so plying; and

(ii) the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the Governor General in Council.

(2) If the Governor General in Council is satisfied—

(i) either—

(a) that by the law in force in any part of His Majesty's dominions outside British India provision has been made for the fixing, marking and certifying of load lines on British ships (or any class or description of British ships) registered in that part of His Majesty's dominions, or

(b) that provision has been made as aforesaid by the law in force in any foreign country with respect to ships (or any class or description of ships) of that country and has also been so made (or has been agreed to be so made) for recognising British India load-line certificates as having the same effect in ports of that country as certificates issued under the said provision, and

(ii) that the said provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Part relating to load lines and is equally effective,

he may, by notification in the Gazette of India, direct that load-line certificates issued in pursuance of the said provision in respect of British ships (or that class or description of British ships) registered in that part of His Majesty's dominions, or in respect of ships (or that class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of this Part as British India load-line certificates:

Provided that such direction shall not apply to ships of 150 tons gross tonnage and upwards carrying cargo or passengers and belonging to countries to which the International Convention respecting Load Lines, 1930, applies, if such ships are engaged in plying on voyages from or to any place in British India to or from any place outside British India.

224L. The master of every ship not registered in British India other than ships to which the provisions of section 224G apply shall produce to the officer of Customs from whom a port clearance for the ship from any port in British India is demanded, either a British India load line certificate or a certificate having effect under this Act as such a certificate, being a certificate for the time being in force in respect of the ship, and the port clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

Certificates to
be produced to
Customs by
ships not
registered in
British India.

Loading of Timber.

224M. (1) The Governor General in Council shall, subject to the condition of previous publication, make rules (hereafter in this section referred to as the 'timber cargo rules') as to the conditions on which timber may be carried as cargo in any uncovered space on the deck of any ship.

Power of
Governor
General in
Council to
make rules as
to timber
cargo.

(2) The timber cargo rules may prescribe a special load line to be used only when the ship is carrying timber as cargo on deck and the conditions on which such special load line may be assigned, and may further prescribe either generally or with reference to particular voyages and seasons the manner and position in which such timber is to be stowed and the provisions which are to be made for the safety of the crew.

(3) If any provision of the timber cargo rules is contravened in the case of any British ship registered in British India, the master of the ship shall be liable to a fine which may extend to five thousand rupees:

Provided that in any proceedings against a master in respect of a contravention of the timber cargo rules it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(4) Any surveyor authorised in this behalf by the Governor General in Council may, at any reasonable time, inspect any ship carrying timber as cargo in any uncovered space on her deck for the purpose of seeing whether the timber cargo rules have been complied with.

(5) The foregoing provisions of this section and the timber cargo rules shall apply to ships not registered in British India, while they are within any port in British India as they apply to British ships registered in British India."

Substitution of
new sections
for sections
227 and 228,
Act XXI of
1923.

26. For the heading to sections 227 and 228 of the said Act and for those sections the following heading and sections shall be substituted, namely:—

"Subdivision Load Lines."

Submersion of
subdivision
load lines in
case of British
passenger
steamer regis-
tered in British
India.

227. (1) Where—

- (a) a British passenger steamer registered in British India has been marked with subdivision load lines, that is to say, load lines indicating the depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers, and
- (b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load line indicating the maximum depth to which the steamer is for the time being entitled under the provisions of this Part to be loaded,

the steamer shall not be so loaded as to submerge the appropriate subdivision load line on each side of the steamer when the steamer has no list.

(2) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine which may extend to one thousand rupees and to such additional fine, not exceeding the amount hereinafter specified, as the Court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(3) The said additional fine shall not exceed one thousand rupees for every inch or fraction of an inch by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list.

(4) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section may be detained until she ceases to be so loaded.

Application of
section 227 to
steamers not
registered in
British India.

228. The provisions of section 227 shall apply to passenger steamers not registered in British India while they are within any port in British India as they apply to British passenger steamers registered in British India."

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27. In section 234 of the said Act, after the word "unsafe," the following words shall be inserted, namely:—

Amendment of
section 234,
Act XXI of
1923.

"or if a ship is detained in pursuance of any provision of this Part which provides for the detention of a ship until a certain event occurs,".

28. In section 238 of the said Act, after the word "unsafe" the following words shall be inserted, namely:—

Amendment of
section 238,
Act XXI of
1923.

"by reason of the defective condition of her hull, equipments or machinery, or".

29. Section 241 of the said Act shall be omitted.

Repeal of sec-
tion 241, Act
XXI of 1923.
Insertion of
new sections
242A and 242B
in Act XXI of
1923.

30. After section 242 of the said Act the following sections shall be inserted, namely:—

Wireless direc-
tion-finding
apparatus.

"242A. (1) On and after such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf every British ship registered in British India being a passenger steamer of 5,000 tons gross tonnage or upwards shall be provided with a wireless direction-finding apparatus of the prescribed description.

(2) If this section is not complied with in the case of any such ship, the master or owner of the ship shall be liable in respect of each offence to a fine which may extend to two hundred rupees.

242B. (1) Every ship compulsorily equipped under the provisions of section 242 with a wireless telegraph installation shall maintain in the wireless telegraph room a wireless telegraph log in which shall be entered such particulars relating to the operation of the wireless telegraph installation and as to the maintenance of the wireless telegraph service as may be prescribed.

(2) The provisions of section 122 shall apply to the wireless telegraph log kept under this section as if it were an official log-book."

31. To sub-section (2) of section 243 of the said Act the following proviso shall be added, namely:—

Amendment of
section 243,
Act XIX of
1923.

"Provided that if a valid Safety Convention Certificate is produced in respect of any ship not registered in British India, the inspection shall be limited to seeing that the ship is provided with a wireless telegraph installation and that the number of certified

certified operators and watchers corresponds substantially with the particulars stated in the certificate."

Amendment of section 245, Act XXI of 1923. 32. In clause (a) of sub-section (2) of section 245 of the said

- (a) after the word "installation" the words "and wireless direction-finding apparatus" shall be inserted;
- (b) after the word "maintained" the words "the form of the wireless log and the particulars to be entered therein" shall be inserted; and

(c) the proviso shall be omitted.

Insertion of new sections 245A-245M in Part V, Act XXI of 1923. 33. In Part V of the said Act, after section 245 the following headings and sections shall be inserted, namely:—

"Signalling Lamps.

Signalling lamps.

245A. (1) Every British ship registered in British India being a ship of over 150 tons gross tonnage shall, when proceeding to sea from any port or place in British India to any port or place outside British India, be provided with a signalling lamp of the type approved by the Governor General in Council.

(2) If any ship proceeds or attempts to proceed to sea in contravention of this section, the owner or master thereof shall for each offence be liable to a fine which may extend to two hundred rupees.

Safety Certificates, Radio-telegraphy Certificates and Exemption Certificates.

Operation of provisions relating to Safety Certificates and Exemption Certificates.

245B. The provisions of this Part relating to Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates, that is to say, the provisions of section 245C to section 245M inclusive, shall have effect only from such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

Safety Certificates and Qualified Safety Certificates.

245C. (1) Upon receipt of a declaration of survey granted under Part III in respect of a steamship for which a certificate of survey is required by that Part, the Governor General in Council shall, if satisfied that the steamship complies with all the provisions as to construction, machinery and equipments (including life-saving appliances, and wireless telegraphy installation) applicable to such steamship under this Act, cause

a certificate

or 1933.] *Indian Merchant Shipping (Second Amendment).*

a certificate, to be called a Safety Certificate or a Qualified Safety Certificate as the case may be, to be prepared and delivered through such officer as the Governor General in Council may appoint in this behalf to the owner or master of the steamship.

(2) The Safety Certificate shall be in the prescribed form and shall state that the steamship complies with the requirements of the International Convention for the Safety of Life at Sea, signed in London on the 31st day of May, 1929.

(3) The Qualified Safety Certificate shall be in the prescribed form and shall state in what respects the steamship complies with the requirements of the International Convention for the Safety of Life at Sea signed in London on the 31st day of May, 1929.

245D. (1) The owner or master of any British ship registered in British India which is not a passenger steamer but which is required by the provisions of section 242 to be provided with a wireless telegraphy installation and which is intended to ply on voyages from or to any place in British India to or from any place outside British India shall, if the Governor General in Council is satisfied that the ship complies with all the provisions as to wireless telegraphy applicable to such ship under this Part, receive a certificate to be called a Safety Radio-telegraphy Certificate, to be prepared and delivered through such officer as the Governor General in Council may appoint in this behalf.

Safety Radio-
telegraphy
Certificate.]

(2) The Safety Radio-telegraphy Certificate shall be in the prescribed form and shall state that the ship complies in respect of wireless telegraphy installation with the requirements of the International Convention for the Safety of Life at Sea, signed in London on the 31st day of May, 1929.

245E. The owner or master of any British ship registered in British India which is intended to ply on voyages from or to any place in British India to or from any place outside British India and in regard to which the Governor General in Council has made a declaration under section 126 or an order of exemption under the proviso to sub-section (1) of section 242 shall on application to the officer appointed in this behalf by the Governor General in Council receive from such officer a certificate in the prescribed form to be called an Exemption Certificate.

Exemption
Certificate,

245F. (1) A Safety Certificate, Qualified Safety Certificate, Safety Radio-telegraphy Certificate or Exemption Certificate issued under the provisions of section 245C, 245D or 245E, shall not remain in force for more than one year from the date of its

Duration of
Certificates,

issue,

Indian Merchant Shipping. (Second Amendment). [ACT XXV

issue, nor after notice is given by the authority issuing it to the owner or master of the ship in respect of which it has been issued, that that authority has cancelled the certificate.

(2) If the ship in respect of which any such certificate has been issued is absent from British India at the date when the certificate expires, the authority issuing the certificate, or any person authorised by that authority for the purpose, may, if it appears proper and reasonable so to do, grant such extension of the certificate as will allow the ship to return to British India, but no such extension shall have effect for more than five months from the said date.

(3) If the ship in respect of which a Safety Certificate issued under section 245C is in force has on board in the course of a particular voyage a total number of persons less than the number stated in the certificate to be the number for which the life-saving appliances on the ship provide, the owner or master of the ship may obtain from the authority issuing the certificate, or any person authorised by that authority for the purpose, a memorandum to be attached to the certificate stating the total number of persons carried on the ship on that voyage, and the modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate.

**Issue of Certificates to ships
of foreign countries.**

245G. (1) The Governor General in Council may, at the request of the Government of a country to which the International Convention for the Safety of Life at Sea, 1929, applies, cause a Safety Certificate or Safety Radio-telegraphy Certificate to be issued in respect of a ship of that country if he is satisfied in like manner as in the case of a British ship registered in British India that such a certificate can properly be issued, and, where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(2) With a view to determining the validity in British India of certificates purporting to have been issued in accordance with the International Convention for the Safety of Life at Sea, 1929, in respect of ships not registered in British India, the Governor General in Council shall make such rules as appear to him to be necessary, and for the purpose of the provisions of this Act the expression 'a valid Safety Convention Certificate' means, a certificate or certificates complying with such of those rules as are applicable in the circumstances.

(3) Where

(3) Where a valid Safety Convention Certificate is produced in respect of a passenger steamer not registered in British India and there is attached to the certificate a memorandum which—

- (a) has been issued by or under the authority of the Government of the country to which the steamer belongs, and
- (b) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificates with respect to life-saving appliances,

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

245H. (1) No British ship registered in British India being a passenger steamer shall proceed on a voyage from any place in British India to any place outside British India unless there is in force in respect of the ship either—
Prohibition on proceeding to sea without certificates.

- (a) a Safety Certificate issued under section 245C, or
- (b) a Qualified Safety Certificate issued under section 245C and an Exemption Certificate issued under section 245E, :

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(2) No sea-going British ship registered in British India being a ship of 1,600 tons gross tonnage or upwards other than a passenger steamer, shall proceed on a voyage from any place in British India to any place outside British India unless there is in force in respect of the ship—

- (a) such certificate or certificates as would be required in her case by the provisions of sub-section (1) if she were a passenger steamer, or
- (b) a Safety Radio-telegraphy Certificate issued under section 245D, or
- (c) an Exemption Certificate, issued under section 245E, relating to the wireless telegraphy equipment,

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(3) If

(3) If any ship to which this section applies proceeds, or attempts to proceed, to sea in contravention of this section—

- (a) in the case of a ship being a passenger steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under this Act, be liable for each offence to a fine which may extend to one hundred rupees for every passenger carried on board the steamship; and
- (b) in the case of a ship not being a passenger steamer, the master or owner of the ship shall for each offence be liable to a fine which may extend to one thousand rupees.

(4) The master of every ship to which this section applies shall produce to the officer of Customs from whom a port clearance for the ship is demanded the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the port clearance shall not be granted and the ship may be detained until the said certificate or certificates are so produced.

(5) Where an Exemption Certificate issued under section 245E in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship shall for each offence be liable to a fine which may extend to one thousand rupees.

*Recognition of
certificates
issued outside
British India.*

245I. (1) Where there is produced in respect of any steamship not registered in British India a valid Safety Convention Certificate, such certificate shall be accepted as having the same force as the corresponding certificate issued in respect of a ship registered in British India by the Governor General in Council.

(2) The master of every ship not registered in British India being a passenger steamer or being a ship of 1,600 tons gross tonnage or upwards belonging to a country to which the International Convention for the Safety of Life at Sea, 1929, applies, shall produce a valid Safety Convention Certificate to the officer of Customs from whom a clearance for the ship is demanded in respect of a voyage from a place in British India to a place outside British India, and a clearance shall not be granted and the ship may be detained until such a certificate is so produced.

(3) Where a valid Safety Convention Certificate is produced in respect of a passenger steamer not registered in British India

the

the steamer shall not be deemed to be unsafe for the purposes of section 238 of this Act by reason of the defective condition of her hull, equipments or machinery unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the ship does not correspond substantially with the particulars stated in the certificate.

245J. (1) The Governor General in Council may, subject to the condition of previous publication, make rules to carry out the purposes of the provisions of this Part relating to Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe the form of the certificates referred to in sub-sections (2) and (3) of section 245C, sub-section (2) of section 245D, and section 245E, the charging of fees for the grant of such certificates, the amount of such fees, and the manner in which they shall be recoverable.

(3) The Governor General in Council may delegate to any person the functions assigned to the Governor General in Council by sections 245C, 245D and 245G of granting a Safety Certificate, a Qualified Safety Certificate or a Safety Radio-telegraphy Certificate in respect of any ships or classes of ships.

245K. The provisions of sections 139, 139A, 140 and 142 of this Act shall apply to and in relation to every certificate issued by the Governor General in Council under sections 245C, 245D and 245E in the same manner as they apply to and in relation to a certificate of survey.

245L. The Governor General in Council may request the Government of a country to which the International Convention for the Safety of Life at Sea, 1929, applies, to issue a Safety Certificate or a Safety Radio-telegraphy Certificate in respect of a British ship registered in British India, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Governor General in Council.

245M. Where any foreign ship is detained under this Part in any case to which the provisions of section 238 do not apply, or where any proceedings are taken under this Part against the master or owner of any such ship, notice shall forthwith be served on the Consular officer for the country to which the ship belongs at or nearest to the port where the ship

ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken."

Insertion of
new Part VA
in Act XXI of
1928.

34. After Part V of the said Act the following Part and sections shall be inserted, namely:—

"PART VA.

NAVIGATION.

Method of
giving helm
orders.

245N. (1) No person on any British ship registered in British India shall when the ship is going ahead give a helm or steering order containing the word 'starboard' or 'right' or any equivalent of 'starboard' or 'right', unless he intends that the head of the ship shall move to the right, or give a helm or steering order containing the word 'port' or 'left' or any equivalent of 'port' or 'left', unless he intends that the head of the ship shall move to the left.

(2) Any person who contravenes the provisions of this section shall for each offence be liable to a fine which may extend to five hundred rupees.

Duty to report
dangers to
navigation.

245O. (1) The master of any British ship registered in British India on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation shall send information accordingly by all means of communication at his disposal and in accordance with such rules as the Governor General in Council may make in this behalf to ships in the vicinity and to such authorities on shore as may be prescribed by these rules.

(2) If the master of a ship fails to comply with the provisions of this section, he shall be liable for each offence to a fine which may extend to five hundred rupees.

(3) For the purposes of this section the expression 'tropical storm' means a hurricane, typhoon, cyclone or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in the vicinity.

Obligation to
render assis-
tance on receiv-
ing signal of
distress.

245P. (1) The master of a British ship registered in British India on receiving a signal of distress by wireless telegraphy from any other ship shall proceed with all speed to the assistance of the persons in distress, unless he is unable or,

in

in the special circumstances of the case, considers it unreasonable or unnecessary to do so, or unless he receives information that his assistance is no longer required.

(2) If the master is unable or in the special circumstances of the case considers it unreasonable or unnecessary to proceed to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of the ship in distress accordingly, and shall enter in the official log-book his reasons for not going to the assistance of those persons.

(3) Any master failing to comply with the provisions of sub-section (1) shall be liable to imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

(4) Any master failing to comply with the provisions of sub-section (2) shall be liable to a fine which may extend to one thousand rupees.

245Q. (1) The Governor General in Council may, subject to the condition of previous publication, make rules prescribing—

Power of
Governor
General in
Council to
make rules re
signals,

- (a) the manner of communicating information regarding dangers to navigation, and the authorities on shore to whom such information is to be communicated,
- (b) the signals which shall be signals of distress and of urgency, respectively,
- (c) the circumstances in which and the purposes for which any such signal is to be used, and the circumstances in which it is to be revoked, and
- (d) the speed at which any message sent by wireless telegraphy in connection with such signal is to be transmitted.

(2) In making any rule under this section the Governor General in Council may direct that the breach of it shall be punishable with fine which may extend to five hundred rupees."

ACT No. XXVI OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 21st September, 1933.)

An Act to amend the Dangerous Drugs Act, 1930, for certain purposes.

WHEREAS it is expedient to amend the Dangerous Drugs Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Dangerous Drugs (Amendment) Act, 1933. Short title.
2. In sub-clause (ii) of clause (g) of section 2 of the Dangerous Drugs Act, 1930 (hereinafter referred to as the said Act), after the words "Geneva Convention" the words "or in pursuance of any international convention supplementing the Geneva Convention" shall be inserted. Amendment of section 2 of Act II of 1930.
3. Section 4 of the said Act shall be numbered as sub-section (1) of section 4, and the following sub-section shall be added, namely:—
"(2) The Local Government may make rules restricting and regulating the manufacture and possession of prepared opium from opium which is lawfully possessed under clause (b) of sub-section (1)."
Amendment of section 4 of Act II of 1930.

Price anna 1 or 1½d.

ACT No. XXVII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 23rd September, 1933.)

An Act to constitute a Medical Council in India.

WHEREAS it is expedient to constitute a Medical Council in India in order to establish a uniform minimum standard of higher qualifications in medicine for all provinces; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Medical Council Short title, extent and commencement.
Act, 1933.

(2) It extends to the whole of British India.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In this Act, unless there is anything repugnant in the Definitions. subject or context,—

- (a) “British Indian University” means any university in British India established by an Act of the Indian Legislature or of a local Legislature and having a medical faculty;
- (b) “the Council” means the Medical Council of India constituted under this Act;
- (c) “medical institution” means any institution, within or without British India, which grants degrees, diplomas or licences in medicine;
- (d) “medicine” means modern scientific medicine and includes surgery and obstetrics, but does not include veterinary medicine and surgery;
- (e) “Provincial Medical Council” means a medical council constituted under an Act of a local Legislature to regulate the registration of medical practitioners;
- (f) “Provincial Medical Register” means a register maintained under an Act of a local Legislature to regulate the registration of medical practitioners;
- (g) “recognised medical qualification” means any of the medical qualifications included in the First and Second Schedules; and
- (h) “Regulation” means a Regulation made under section 18.

3. (1) The

Price anna 1 or 1½d.

Constitution
and composi-
tion of the
Council.

3. (1) The Governor General in Council shall cause to be constituted a Council consisting of the following members, namely :—

- (a) one member from each Governor's province, to be nominated by the Local Government of the province;
- (b) one member from each British Indian University, to be elected by the members of the Senate of the University (or, in the case of the University of Lucknow, the Court, and in the case of the University of Rangoon, the Council) from amongst the members of the medical faculty of the university;
- (c) one member from each province where a Provincial Medical Register is maintained, to be elected from amongst themselves by persons enrolled on the Register who possess recognised medical qualifications or medical qualifications granted by a British Indian University; and
- (d) three members to be nominated by the Governor General in Council.

(2) The President of the Council shall be elected by the members of the Council from amongst themselves :

Provided that for four years from the first constitution of the Council the President shall be a person nominated by the Governor General in Council who shall hold office during the pleasure of the Governor General in Council and, where he is not already a member, shall be a member of the Council in addition to the members prescribed in sub-section (1).

(3) No act done by the Council shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

Mode of elec-
tion.

4. (1) An election under clause (b) or clause (c) of sub-section (1) of section 3 shall be conducted by the Local Government, in such manner as it may think fit, subject to any instructions the Governor General in Council may issue in this behalf.

(2) Where any dispute arises regarding any election to the Council, it shall be referred to the Local Government whose decision shall be final.

Restrictions of
nominations
and elections

5. (1) No person shall be eligible for nomination or election under clause (a) or (b) of sub-section (1) of section 3 unless he possesses a recognised medical qualification or a medical qualification granted by a British Indian University.

(2) No

(2) No person shall be eligible for nomination under clause (a) of sub-section (1) of section 3 unless he resides in the province concerned, and, where a Provincial Medical Register is maintained in that province, unless he is enrolled on that register.

(3) No person shall be eligible for election under clause (b) of sub-section (1) of section 3 unless he has had at least four years' experience as a Professor, Assistant Professor, Lecturer or Reader in Medical Colleges or Schools.

(4) No person may at the same time serve as a member in more than one capacity.

6. The Council so constituted shall be a body corporate by ^{Incorporation} of the Council. the name of the Medical Council of India, having perpetual succession and a common seal, with power to acquire and hold property both moveable and immoveable, and to contract, and shall by the said name sue and be sued.

7. (1) An elected President shall hold office for a term not ^{Term of office.} exceeding five years and not extending beyond the expiry of the term for which he has been nominated or elected to be a member of the Council.

(2) A member, other than a nominated President, shall hold office for the term of five years from the date of his nomination or election or until his successor shall have been duly nominated or elected, whichever is longer.

(3) Where the said term of five years is about to expire in respect of any member, his successor may be nominated or elected at any time within three months before the said term expires, but shall not assume office until the said term has expired.

8. (1) The Council shall hold its first meeting at such time ^{Meetings of the Council.} and place as may be appointed by the Governor General in Council; and thereafter the Council shall meet at least once in each year at such time and place as may be appointed by the Council.

(2) Until otherwise provided by Regulations, ten members of the Council shall form a quorum, and all the acts of the Council shall be decided by a majority of the members present and voting.

9. (1) The Council shall—

(a) elect from amongst its members a Vice-President;
 (b) constitute from amongst its members an Executive Committee, and such other Committees for general or special purposes as the Council deems necessary to carry out the purposes of this Act;

(c) appoint

Officers, Com-
mittees and
servants of the
Council.

- (c) appoint a Secretary, who may also, if deemed expedient, act as Treasurer;
- (d) appoint or nominate such other officers and servants as the Council deems necessary to carry out the purposes of this Act;
- (e) require and take from the Secretary, or from any other officer or servant, such security for the due performance of his duties as the Council deems necessary; and
- (f) with the previous sanction of the Governor General in Council, fix the remuneration and allowances to be paid to the President, Vice-President, members, officers and servants of the Council.

(2) Notwithstanding anything contained in clause (c) of subsection (1), for the four years from the commencement of this Act, the Secretary of the Council shall be a person appointed by the Governor General in Council, who shall hold office during the pleasure of the Governor General in Council.

The Executive Committee.

10. (1) The Executive Committee shall consist of seven members, of whom five shall be elected by the Council from amongst its members.

(2) The President and Vice-President of the Council shall be members *ex officio* of the Executive Committee, and shall be President and Vice-President, respectively, of that Committee.

(3) In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any Regulations which may be made in this behalf.

Recognition of medical qualifications granted by medical institutions in British India.

11. (1) The medical qualifications granted by medical institutions in British India which are included in the First Schedule shall be recognised medical qualifications for the purposes of this Act.

(2) Any medical institution in British India which grants a medical qualification not included in the First Schedule may apply to the Governor General in Council to have such qualification recognised, and the Governor General in Council, after consulting the Council, may, by notification in the Gazette of India, amend the First Schedule so as to include such qualification therein.

(3) Such

(3) Such notification may also direct that an entry shall be made in the last column of the First Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(4) The Council shall, as soon as may be and without application being made, make all necessary arrangements for the inspection of the medical courses and examinations of the Universities of Patna, Rangoon and Andhra, and shall submit their recommendations to the Governor General in Council regarding the inclusion in the First Schedule of the medical qualifications granted by these Universities.

12. The medical qualifications granted by medical institutions outside British India which are included in the Second Schedule shall be recognised medical qualifications for the purposes of this Act, and shall be sufficient qualification for enrolment on any Provincial Medical Register.

13. (1) At any time during the period of four years after the commencement of this Act, the Council may enter into negotiations with the authority in any State or country outside British India which is entrusted by the law of such State or country with the maintenance of a register of medical practitioners, for the settling of a scheme of reciprocity for the recognition of medical qualifications, and the course of such negotiations shall be reported to the Governor General in Council, along with the decisions of the Council to recognise or to refuse to recognise the medical qualifications proposed by such authority for recognition in British India.

(2) In so far as the decisions of the Council to recognise medical qualifications are accepted by the Governor General in Council, they shall be embodied in a resolution and published in the Gazette of India, and such resolution shall specify or indicate with sufficient accuracy all medical qualifications finally approved for recognition in British India:

Provided that where any such resolution specifies or indicates a medical qualification which is not included in the Second Schedule, the Governor General in Council may, by notification in the Gazette of India, amend the Second Schedule so as to include such qualification therein, and such amendment may further direct that such qualification shall be deemed to be a recognised medical qualification for the purposes of this Act only when granted after a specified date.

Non-Indian
qualifications
in Second
Schedule to be
recognised.

Transitory
arrangements
for modifying
the Second
Schedule.

(3) Within

(3) Within one month before the expiry of the period of four years from the commencement of this Act, the Governor General in Council shall frame a schedule to include all medical qualifications which have been specified or indicated by him in resolutions made under sub-section (2), and shall publish the said schedule in the Gazette of India, and such schedule shall be substituted for the Second Schedule with effect from the expiry of the said period of four years, and shall then have force as if it had been enacted in this Act:

Provided that the Governor General in Council shall include in the said schedule all medical qualifications included in the Second Schedule which were granted before the expiry of the said period of four years.

Permanent arrangements modifying the Second Schedule.

14. (1) At any time after the expiry of the period of four years after the commencement of this Act, the Council may complete or may enter into negotiations with the authority in any State or country outside British India which by the law of such State or country is entrusted with the maintenance of a register of medical practitioners, for the settling of a schedule of reciprocity for the recognition of medical qualifications, and in pursuance of any such scheme the Governor General in Council may, by notification in the Gazette of India, amend the Second Schedule so as to include therein any medical qualification which the Council has decided should be recognised.

(2) Such notification may also direct that an entry shall be made in the last column of the Second Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(3) The Governor General in Council, after consultation with the Council, may, by notification in the Gazette of India, amend the Second Schedule by directing that an entry be made therein in respect of any medical qualification, declaring that it shall be a recognised medical qualification only when granted before a specified date.

(4) Where the Council has refused to recognise any medical qualification which has been proposed for recognition by any such authority, that authority may apply to the Governor General in Council, and the Governor General in Council, after considering such application and after consulting the Council, may, by notification in the Gazette of India, amend the Second Schedule so as to include such qualification therein, and the provisions of sub-section (2) shall apply to such notification.

Power to require information as to courses of study and examinations.

15. Every medical institution in British India which grants a recognised medical qualification shall furnish such information as the Council may, from time to time, require as to the courses of

of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred, and generally as to the requisites for obtaining such qualification.

16. (1) The Executive Committee shall appoint such number of medical inspectors as it may deem requisite to attend at any or all of the examinations held by medical institutions in British India for the purpose of granting recognised medical qualifications. Inspection of examinations.

(2) Inspectors appointed under this section shall not interfere with the conduct of any examination, but they shall report to the Executive Committee on the sufficiency of every examination which they attend and on any other matters in regard to which the Executive Committee may require them to report.

(3) The Executive Committee shall forward a copy of any such report to the medical institution concerned, and shall also forward a copy, with the remarks of such institution thereon, to the Governor General in Council.

17. (1) When, upon report by the Executive Committee, it appears to the Council that the courses of study and examination to be gone through in any medical institution in British India in order to obtain a recognised medical qualification or that the standards of proficiency required from candidates at any examination held for the purpose of granting such qualification are not such as to secure to persons holding such qualification the knowledge and skill requisite for the efficient practice of medicine, the Council shall make a representation to that effect to the Governor General in Council. Withdrawal of recognition.

(2) After considering such representation, the Governor General in Council may send it to the Local Government of the province in which the medical institution is situated, and the Local Government shall forward it, along with such remarks as it may choose to make, to the medical institution, with an intimation of the period within which the medical institution may submit its explanation to the Local Government.

(3) On the receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of that period, the Local Government shall make its recommendations to the Governor General in Council.

(4) The Governor General in Council, after making such further inquiry, if any, as he may think fit, may, by notification in the Gazette of India, direct that an entry shall be made in the

the First Schedule against the said medical qualification declaring that it shall be a recognised medical qualification only when granted before a specified date.

Power to make Regulations.

18. (1) The Council may, with the previous sanction of the Governor General in Council, make Regulations generally to carry out the purposes of this Act, and, without prejudice to the generality of this power, such Regulations may provide for—

- (a) the management of the property of the Council;
- (b) the summoning and holding of meetings of the Council, the times and places where such meetings are to be held, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (c) the resignation of members of the Council and the filling of casual vacancies;
- (d) the powers and duties of the President and Vice-President;
- (e) the mode of appointment of the Executive Committee and other Committees, the summoning and holding of meetings, and the conduct of business of such Committees;
- (f) the tenure of office, and the powers and duties of the Secretary and other officers and servants of the Council;
- (g) the appointment, powers, duties and procedure of medical inspectors; and
- (h) any matter for which under this Act provision may be made by Regulations.

(2) Until the first Council is constituted under this Act, any Regulations which may be made under sub-section (1) may be made by the Governor General in Council; and any Regulation so made may be altered or rescinded by the Council in exercise of its powers under sub-section (1).

Information to be furnished by Council, and publication thereof.

19. (1) The Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Governor General in Council as he may require.

(2) The Governor General in Council may publish, in such manner as he may think fit, any report, copy, abstract or other information furnished to him under this section or under section 16.

Commissions of Inquiry.

20. (1) Whenever it is made to appear to the Governor General in Council that the Council is not complying with any of the provisions of this Act, the Governor General in Council

may

may refer the particulars of the complaint to a Commission of Inquiry consisting of three persons, two of whom shall be appointed by the Governor General in Council, one being a Judge of a High Court established by Letters Patent of the Crown, and one by the Council; and such Commission shall proceed to inquire in a summary manner and to report to the Governor General in Council as to the truth of the matters charged in the complaint, and in case of any charge of default or of improper action being found by the Commission to have been established, the Commission shall recommend the remedies, if any, which are in its opinion necessary.

(2) The Governor General in Council may require the Council to adopt the remedies so recommended within such time as, having regard to the report of the Commission, he may think fit; and if the Council fails to comply with any such requirement, the Governor General in Council may amend the Regulations of the Council, or make such provision or order or take such other steps as may seem necessary to give effect to the recommendations of the Commission.

(3) A Commission of Inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents, and shall have all such other necessary powers for the purpose of any inquiry conducted by it as are exercised by a Civil Court under the Code of Civil Procedure, 1908.

of 1908.

THE FIRST SCHEDULE.

(See section 11.)

Recognised medical qualifications granted by medical institutions in British India.

Medical Institution.	Recognised medical qualification.	Abbreviation for registration.
University of Allahabad.	Bachelor of Medicine and Bachelor of Surgery.	M.B., B.S., A.I.L.
University of Bombay.	Licentiate in Medicine and Surgery. Bachelor of Medicine and Bachelor of Surgery. Doctor of Medicine Master of Surgery	L.M.S., Bom. M.B., B.S., Bom. M.D., Bom. M.S., Bom.

University

THE FIRST SCHEDULE—*contd.*

*Recognised medical qualifications granted by medical institutions in British India—*contd.**

Medical Institution.	Recognised medical qualification.	Abbreviation for registration.
University of Calcutta.	Licentiate in Medicine and Surgery Bachelor of Medicine . . . Doctor of Medicine . . . Master of Surgery . . . Master of Obstetrics . . .	L.M.S., Cal. M.B., Cal. M.D., Cal. M.S., Cal. M.O., Cal.
University of Lucknow.	Bachelor of Medicine and Bachelor of Surgery.	M.B., B.S., Lucknow.
University of Madras.	Licentiate in Medicine and Surgery Bachelor of Medicine and Master of Surgery. Bachelor of Medicine and Bachelor of Surgery. Doctor of Medicine . . .	L.M.S., Mad. M.B., C.M., Mad. M.B., B.S., Mad. M.D., Mad.
Punjab University.	Licentiate in Medicine and Surgery Bachelor of Medicine . . . Doctor of Medicine . . . Master of Surgery . . .	L.M.S., Pun. M.B., Pun. M.D., Pun. M.S., Pun.

THE SECOND SCHEDULE.

(See section 12.)

Recognised medical qualifications granted by medical institutions outside British India.

A. Registrable qualifications admitting primarily to the Medical Register granted by licensing bodies in the United Kingdom, as shown in Table (F) set out in the Medical Register for 1931 printed and published under the direction of the General Council of Medical Education and Registration of the United Kingdom in pursuance of the Medical Acts, 1858 and 1886.

B.

THE SECOND SCHEDULE—*contd.*

Recognised medical qualifications granted by medical institutions outside British India—contd.

B. Registrable qualifications granted by licensing bodies in British possessions, as shown in Table (I) set out in the said Medical Register, other than registrable qualifications granted by licensing bodies in India.

C. Registrable qualifications granted by licensing bodies in Foreign Countries, as shown in Table (J) set out in the said Medical Register.

ACT No. XXVIII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 23rd December, 1933.)

An Act further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes.

VIII of 1894. WHEREAS it is expedient further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for the purposes hereinafter appearing; VIII of 1878. It is hereby enacted as follows:—

1. This Act may be called the Indian Tariff (Second Amendment) Act, 1933. Short title.
2. (1) After Item No. 40A of the Second Schedule to the Indian Tariff Act, 1894, the following item shall be inserted, Amendment of the Second Schedule, Act VIII of 1894. namely :—

" 40B MINERAL OIL, not included in Item No. 40 or Item No. 40A, which is suitable for use as an illuminant in wick lamps.	Imperial gallon.	Two annas and three pies."
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- (2) In sub-item (2) of Item No. 41 of the said Schedule, after the word "thermometer," the words "is not suitable for use as an illuminant in wick lamps," shall be inserted.

3. After Item No. 40A of the Second Schedule to the Indian Finance Act, 1931, the following item shall be inserted, Amendment of the Second Schedule to the Indian Finance Act, 1931. namely :—

" 40B MINERAL OIL included in Item No. 40B.	Nine pies per Imperial gallon."
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4. After section 195 of the Sea Customs Act, 1878, the following section shall be inserted, namely :—

" 195A. (1) When by any law for the time being in force a duty of customs is imposed on mineral oil which is specified as being suitable or as not being suitable for use as an illuminant in wick lamps, the Chief Customs Authority may make rules for determining in disputed cases whether any mineral oil is or is not suitable for such use. Insertion of new section 195A in Act VIII of 1878. Power to make rules for determining whether mineral oil is suitable for use as an illuminant.

Price anna 1 or 1½d.

Indian Tariff (Second Amendment). [ACT XXVIII OF 1933.]

(2) In particular such rules may—

- (a) specify the design, construction and materials of test lamps to be used for testing the burning properties of mineral oil in wick lamps and provide for the standardisation of such test lamps; and
- (b) prescribe the manner in which and the persons by whom tests are to be carried out and the standards to be accepted for deciding whether any mineral oil is or is not suitable for use as an illuminant in wick lamps.”

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